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NEW DELHI, SATURDAY, NOVEMBER 14, 1992/KARTIKA 23, 1914

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखे जा सकें

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सविधिक आदेश और अधिवृत्तार्थ  
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the  
Ministry of Defence)

वित्त मंत्रालय  
(प्राथमिक कार्य विभाग)  
(बैंकिंग प्रभाग)

नई दिल्ली, 16 अक्टूबर, 1992

स.ओ. 2820 - राष्ट्रीयकृत बैंक (प्रबंध एवं प्रयोग उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (घ) के अनुसरण में केन्द्रीय सरकार, एतद्-द्वारा नीचे दी गयी सारणी के कॉलम (2) में, निविष्ट व्यक्तियों को उक्त नारणी के कॉलम (3) में निविष्ट व्यक्तियों के स्थान पर कॉलम (1) में निविष्ट राष्ट्रीयकृत बैंकों का निर्देशक नियुक्त करती है :-

सारणी

(1)	(2)	(3)
बैंक ऑफ इंडिया	श्री जे. आर. प्रभु, अवर मुख्य अधिकारी, डा. बी. सी. डी., भारतीय रिजर्व बैंक, बम्बई	श्री ए. पी. अय्यर,

(1)	(2)	(3)
सेंट्रल बैंक ऑफ इंडिया	श्री एस. के. कपूर, मुख्य प्रबंधक, निक्षेप बीमा और प्रबंध गारंटी निगम, (डी प्राई एम सी सी), बम्बई	श्री पी. बी. कुलकर्णी

[संख्या 9/13/92-बी. प्रो. I (i)]

के. जी. गोयल, निदेशक

MINISTRY OF FINANCE  
(Department of Economic Affairs)  
(Banking Division)

New Delhi, the 16th October, 1992

S.O. 2820. In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints the persons specified in column (2) of the Table

below as Directors of the nationalised banks specified in column (1) thereof in place of the persons specified in column (3) of the said Table :

TABLE

(1)	(2)	(3)
Bank of India	Shri J.R. Prabhu, Additional Chief Officer, Department of Banking Operations and Development (D.B.O.D.), Reserve Bank of India, Bombay.	Shri A.P. Aiyer
Central Bank of India	Shri S.K. Kapur, General Manager, Deposit Insurance and Credit Guarantee Corporation (DICGC), Bombay.	Shri P.B. Kulkarni

[No. 9/13/92-B.O. I.(i)]  
K.G. GOEL, Director

नई दिल्ली, 16 अक्टूबर, 1992

का.प्र. 2821.—राष्ट्रीयकृत बैंक (प्रबंध और प्रबंधन उपाध) योजना 1980 के खण्ड 3 के उखंड (छ) के अनुसरण में केन्द्रीय सरकार, श्री एम.एस. हुसैन, प्रबंधक (प्रशिक्षण), भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, प्रशासन विभाग, बम्बई की, श्री जे.आर. प्रभु के स्थान पर एतद्वारा, कापरेसन बैंक के निदेशक के रूप में नियुक्त करती है।

[सं. एक 9/13/92-बी.ओ.-I(ii)]  
के.जी. गोयल, निदेशक

New Delhi, the 16th October, 1992

S.O. 2821.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints Shri M. S. Husain, Manager (Training), Reserve Bank of India, Central Office, Department of Administration, Bombay, as a Director of Corporation Bank vice Shri J. R. Prabhu.

[No. 9/13/92-B. O. I. (ii)]  
K. G. GOEL, Director.

नई दिल्ली, 22 अक्टूबर, 1992

का.प्र. 2822.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 11 की उप धारा 1 के प्रावधान इस अधिसूचना के तत्प्राप्ति तारीख में प्रकाशन की तारीख से 30 जून, 1994 तक जिला सहायकारी बैंक लि., गोंदा (उत्तर प्रदेश) राज्य पर लागू नहीं होंगे।

[सं. 6/2/92-ए.सी.]  
एम.एन. कुक्रेजा, अधीक्षक सचिव

New Delhi, the 22nd October, 1992

S.O. 2822.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provi-

sions of sub-section 1 of Section 11 of the said Act shall not apply to the Zila Sahakari Bank Ltd., Gonda, (Uttar Pradesh State) from the date of publication of this Notification in the Official Gazette to 30 June, 1994.

[F. No. 6 (2)/92-AC]  
M. L. KUKREJA, Under Secy.

(बैंक प्रमाण)

नई दिल्ली, 29 अक्टूबर, 1992

का.प्र. 2823.—जीवन बीमा निगम अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा निदेश देती है कि भारतीय जीवन बीमा निगम के प्रबंध निदेशक, श्री एन.एन. जम्बूसारिया, प्रबंध निदेशक के रूप में अपने कार्यभार के अतिरिक्त 1 नवम्बर, 1992 से अपने आदेशों तक श्री के.पी. नरसिम्हन, के स्थान पर उस निगम के अध्यक्ष का वर्तमान पदभार संभालेंगे और वे उस निगम के अध्यक्ष को समस्त शक्तियों और कार्यों का प्रयोग करेंगे।

[फा.सं. 14(2)/93-बीमा/5]  
सी.एस. राव, संयुक्त सचिव

(Insurance Division)

New Delhi, the 29th October, 1992

S.O. 2823.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956) the Central Government hereby directs that Shri N. N. Jambusaria, Managing Director of the Life Insurance Corporation of India will hold current charge of the Chairman of that Corporation vice Shri K. P. Narasimhan with effect from 1st November, 1992 till further orders, in addition to his duties as Managing Director, and he shall exercise all the powers and the functions of the Chairman of the said Corporation.

[F. No. 14(2)/93 L.I.C./5]  
C. S. RAO, Jt. Secy.

मुख्य आयकर आयुक्त का कार्यालय, गुजरात

अहमदाबाद, 29 सितम्बर, 1992

(आयकर)

का.प्र. 2824.—मुख्य आयकर आयुक्त, अहमदाबाद और मुख्य आयकर आयुक्त-2, अहमदाबाद द्वारा तारीख 5 जुलाई, 1991 तथा 18 जनवरी, 1992 को जारी की गई अधिसूचना में आंशिक संशोधन करते हुए, तथा आयकर अधिनियम 1961 की धारा 120 की उप धारा (1) के अधीन केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली द्वारा जारी की गई अधिसूचना सं. 8748 (फा.सं. 279/121/89-आई.टी.जे. तारीख 11 अक्तूबर, 1990 [अधिसूचना सं. 8980] (फा.सं. 279/2/92-आई.टी.जे. तारीख 14 जनवरी 1992) और अधिसूचना सं. 9081 (फा.सं. 261/2/92-आई.टी.जे. तारीख 1-9-1992) में प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, अहमदाबाद तथा मुख्य आयकर आयुक्त-2, अहमदाबाद, एतद्वारा निदेश देते हैं कि कालम 3 में विनिर्दिष्ट आयकर बोर्ड, सर्विल तथा रेंक कार्यालयों में आयकर या अधिकतर अधिकाधिक आय कर के अनुसूची 2 में दर्शाये गये आयकर आयुक्त (प्रतीत) अपने कर्तव्यों का पालन करते हुए, जो व्यक्ति आयकर अधिनियम, 1961 (1961 का 43) की धारा 246 की उप धारा (2) के (ए) से लेकर (एक) तक उल्लिखित आदेशों से अथवा कानूनी लाभ अधिकतर, अधिनियम 1964 (1964 का 7) की धारा 11 में अथवा ब्याज कर अधिनियम 1974 (1974 का 45) की धारा 15 की उप धारा (1) में उल्लिखित आदेशों से असंतुष्ट

हों, साथ ही उन व्यक्तियों या व्यक्ति प्रयोगों के मामले में जो वे अपने उत्प्रेषण कर्तव्यों का पालन करते हुए जिनके संबंध में बोर्ड ने निर्देश दिया है, अथवा आयकर अधिनियम 1961 की धारा 246 की उप-धारा 2 के प्रावधानों के अनुरूप केन्द्रीय प्रत्यक्ष कर बोर्ड अथवा निम्न हस्तक्षेपों द्वारा जिनके संबंध में भविष्य में कोई निर्देश दे सकते हैं।

## अनुसूची

क्रम	आयकर आयुक्त (अपील) संख्या का प्रसार और मुद्रांतरण	निम्नलिखित द्वारा पारित प्रादेशों के खिलाफ अपीलों पर अधिकारिता
1	2	
1. आयकर आयुक्त (अपील-1), अहमदाबाद।	(क) निम्नलिखित निरीक्षीय सहायक आयुक्त आयुक्त (आई ए सी) या निर्धारण अधिकारी जो 1-4-88 से पूर्व निम्न अधिकार क्षेत्र के अन्तर्गत थे। (1) नि.स.आ. अहमदाबाद रेंज-3, अहमदाबाद। (ख) निम्नलिखित आयकर उप-आयुक्त अथवा निर्धारण अधिकारी जो 1-4-1988 को या बाद में निम्नलिखित के क्षेत्राधिकार में थे। आयकर उप-आयुक्त, अहमदाबाद रेंज-3, अहमदाबाद।	
2. आयकर आयुक्त (अपील-4), अहमदाबाद।	(क) निम्नलिखित निरीक्षीय सहायक आयुक्त आयुक्त (आई ए सी) या निर्धारण अधिकारी जो 1-4-1988 से पहले निम्न क्षेत्राधिकार के अन्तर्गत थे। (1) निरीक्षीय सहायक आयुक्त, अहमदाबाद रेंज-5, अहमदाबाद। (2) निरीक्षीय सहायक आयुक्त, अहमदाबाद रेंज-6, अहमदाबाद। (3) निरीक्षीय सहायक आयुक्त (निर्धारण)-2, अहमदाबाद। (ख) निम्नलिखित आयकर उप-आयुक्त अथवा निर्धारण अधिकारी जो तारीख 1-4-1988 को या इसके बाद में निम्न क्षेत्राधिकार में थे। (1) आयकर उप-आयुक्त, अहमदाबाद रेंज-5, अहमदाबाद। (2) आयकर उप-आयुक्त, अहमदाबाद रेंज-8, अहमदाबाद। (3) आयकर उप-आयुक्त (निर्धारण) विशेष रेंज-2, अहमदाबाद। (ग) एन्स्टेट ड्यूटी सर्कल	
3. आयकर आयुक्त (अपील-5), अहमदाबाद।	(क) निम्नलिखित निरीक्षीय सहायक आयुक्त (आई ए सी) या निर्धारण अधिकारी जो 1-4-88 से पहले निम्न क्षेत्राधिकार में थे। (1) निरीक्षीय सहायक आयुक्त आयुक्त, अहमदाबाद रेंज-1, अहमदाबाद।	

1	2
	(2) निरीक्षीय सहायक आयुक्त आयुक्त (अन्वेषण) (सर्वे), अहमदाबाद। (3) निरीक्षीय सहायक आयुक्त आयुक्त (निर्धारण)-4, अहमदाबाद। (4) निरीक्षीय सहायक आयुक्त आयुक्त (निर्धारण)-1, अहमदाबाद। (ख) निम्नलिखित आयकर उप-आयुक्त या निर्धारण अधिकारी जो 1-4-1988 को या बाद में निम्न क्षेत्राधिकार के अन्तर्गत आते हैं। (1) आयकर उप-आयुक्त, अहमदाबाद रेंज-1, अहमदाबाद। (2) आयकर उप-आयुक्त (निर्धारण) विशेष रेंज-1, अहमदाबाद। (3) आयकर उप-आयुक्त (निर्धारण) विशेष रेंज-5, अहमदाबाद। (4) आयकर उप-आयुक्त (निर्धारण) विशेष रेंज-7, अहमदाबाद। (ग) आयकर आयुक्त गुजरात-1 और गुजरात-3 के प्रसारों के अन्य कोई भी सर्कल/वाइ या रेंज जो इस प्रादेश के अधीन विनिश्चित रूप से किसी अन्य आयकर आयुक्त (अपील) को सुपुर्द नहीं किये गये हों।
4. आयकर आयुक्त (अपील-7), अहमदाबाद।	(क) निम्नलिखित निरीक्षीय सहायक आयुक्त आयुक्त (आई ए सी) या निर्धारण अधिकारी जो 1-4-1988 से पहले निम्न क्षेत्राधिकार के अन्तर्गत थे। (1) निरीक्षीय सहायक आयुक्त आयुक्त, अहमदाबाद रेंज-4, अहमदाबाद। (2) निरीक्षीय सहायक आयुक्त आयुक्त (निर्धारण) विशेष रेंज-4, अहमदाबाद। (ख) निम्नलिखित आयकर उप-आयुक्त या निर्धारण अधिकारी जो 1-4-1988 को या बाद में निम्न क्षेत्राधिकार के अन्तर्गत आते हों। (1) आयकर उप-आयुक्त, अहमदाबाद रेंज-4, अहमदाबाद। (2) आयकर उप-आयुक्त, निर्धारण विशेष रेंज-4, अहमदाबाद। (3) आयकर उप-आयुक्त (निर्धारण) विशेष रेंज-6, अहमदाबाद।

2. यह अधिसूचना 6 अक्टूबर, 1992 से प्रभाव में होगी।

[फा.सं. उप-आयु. (मुद्रा.) 1-2/4-1/92-93]

(गोविन्द मिश्र),

मुख्य आयकर आयुक्त-2, गुजरात,  
अहमदाबाद।

सी. खुशाल रास,

मुख्य आयकर आयुक्त, गुजरात,  
अहमदाबाद।

OFFICE OF THE CHIEF COMMISSIONERS OF  
INCOME TAX, GUJARAT

Ahmedabad, the 29th September, 1992

(Income Tax)

S.O.2824.—In partial modification of the Notification dated 5th July 1991 and 16th January 1992, issued by the Chief Commissioner of Income Tax, Ahmedabad and the Chief Commissioner of Income Tax-II, Ahmedabad and in exercise of the powers conferred on the undersigned by sub-section (1) of Section 120 of the Income Tax Act 1961 and by Notification No. 8748 (F. No. 279/121/89-ITJ dated 11th October, 1990), Notification No. 8980 (F. No. 279/2/92-ITJ dated 14th January, 1992) and Notification No. 9081 (F. No. 261/2/92-ITJ dated 1/9/1992) issued by the Central Board of Direct Taxes (the Board) New Delhi, in this behalf under the said section, the Chief Commissioner of Income Tax Ahmedabad and the Chief Commissioner of Income Tax-II, Ahmedabad hereby direct that the Commissioners of Income Tax (Appeals) mentioned in Col. 2 of the Schedule below shall perform their functions in respect of such persons assessed to Income Tax or Sur Tax or Interest Tax in the Income Tax Wards, Circles and Ranges specified in Col. 3 thereof, as are aggrieved by any of the orders mentioned in clauses (a) to (h) of sub-section (2) of Section 246 of the Income Tax Act 1961 (43 of 1961) or Section 11 of Companies (Profits) Sur Tax Act, 1964 (7 of 1964) or sub-section (1) of Section 15 of the Interest Tax Act, 1974 (45 of 1974) and also in respect of such persons or classes of persons as the Board has directed or the Board or the undersigned may direct in future in accordance with the provisions of clause (i) of sub-section (2) of Section 246 of the Income Tax Act, 1961.

## SCHEDULE

Sr. No.	Charge of the C.I.T. (Appeals) with H. Qrs.	Jurisdiction over appeals against orders passed by
1	2	3
I.	Commissioner of Income Tax (Appeals)-I, Ahmedabad.	(a) The following Inspecting Assistant Commissioners (IACs) or Assessing Officers falling (prior to 1-4-1988) within the jurisdiction of :— (i) I.A.C., Ahmedabad Range-III, Ahmedabad. (b) The following Deputy Commissioners of Income Tax or Assessing Officers falling (on or after 1-4-1988) within the jurisdiction of :— (i) Deputy Commissioner of Income Tax, Ahmedabad Range-3, Ahmedabad.
II.	Commissioner of Income Tax (Appeals)-IV Ahmedabad.	(a) The following Inspecting Assistant Commissioners (IACs) or Assessing Officers falling (prior to 1-4-1988) within the jurisdiction of :— (i) I.A.C., Ahmedabad Range-V, Ahmedabad. (ii) I.A.C., Ahmedabad Range-VIII, Ahmedabad.

1	2	3
		(iii) I.A.C. (Assessment)-II Ahmedabad.
	(b) The following Deputy Commissioners of Income Tax or Assessing Officers falling (on or after 1-4-1988) within the jurisdiction of :—	(i) Deputy Commissioner of Income Tax, Ahmedabad Range-5, Ahmedabad. (ii) Deputy Commissioner of Income Tax, Ahmedabad Range-8, Ahmedabad. (iii) Deputy Commissioner of Income Tax (Assessment), Special Range-2, Ahmedabad.
	(c) Estate Duty Circle.	
III.	Commissioner of Income Tax (Appeals)-V, Ahmedabad.	(a) The following Inspecting Assistant Commissioners (IACs) or Assessing Officers falling (prior to 1-4-1988) within the jurisdiction of :— (i) I.A.C., Ahmedabad Range-I, Ahmedabad. (ii) I.A.C. (Investigation) (Survey), Ahmedabad. (iii) I.A.C. (Assessment)-V, Ahmedabad. (iv) I.A.C. (Assessment)-I, Ahmedabad.
	(b) The following Deputy Commissioners of Income Tax or Assessing Officers falling (on or after 1-4-1988) within the jurisdiction of :—	(i) Deputy Commissioner of Income Tax, Ahmedabad Range-1, Ahmedabad. (ii) Deputy Commissioner of Income Tax (Assessment), Special Range-1, Ahmedabad. (iii) Deputy Commissioner of Income Tax (Assessment), Special Range-5, Ahmedabad. (iv) Deputy Commissioner of Income Tax (Assessment) Special Range-7, Ahmedabad.
	(c) Any other Circles/Wards or Ranges in the Charges of the Commissioner of Income Tax, Gujarat-I & Gujarat-III, Ahmedabad, not specifically assigned to any other Commissioner of Income Tax (Appeals) under this order.	

1	2	3
IV. Commissioner of Income Tax (Appeals)-VII Ahmedabad.	(a) The following Inspecting Assistant Commissioners (IACs) or Assessing Officers falling (prior to 1-4-1988) within the jurisdiction of :— (i) I.A.C., Ahmedabad Range-IV, Ahmedabad. (ii) I.A.C. (Assessment)-IV, Ahmedabad.	
	(b) The following Deputy Commissioners of Income Tax or Assessing Officers falling (on or after 1-4-1988) within the jurisdiction of : (i) Deputy Commissioner of Income Tax, Ahmedabad Range-4, Ahmedabad. (ii) Deputy Commissioner of Income Tax (Assessment), Special Range-4, Ahmedabad. (iii) Deputy Commissioner of Income Tax (Assessment), Special Range-6, Ahmedabad.	
2. This Notification shall come into force with effect from 6th October, 1992 [F. No. DC(HQ) I-II/IV-1/92-93]		
G.K. MISHRA, Chief Commissioner of Income Tax-II, Gujarat, Ahmedabad.	C. KHUSHALDAS, Chief Commissioner of Income Tax Gujarat, Ahmedabad.	

## राजिष्य मंत्रालय

## अधिसूचना

नई दिल्ली, 28 अक्टूबर, 1992

का.आ. 2825.—केंद्रीय सरकार निर्यात (क्वालिटी निर्वहन और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सैमर्स सीमेंस लिमिटेड, कालवा, थाना-400601 में विनिर्मित इन्वैल्ट्रक मोटर 5.5 हार्स पावर से 425 हार्स पावर का निर्यात से पूर्व निरीक्षण करने के लिए सैमर्स सीमेंस लिमिटेड, जिनका रजिस्ट्रीकृत कार्यालय 134ए, डा. ऐमीबेसन्ट रोड, वर्ली, बम्बई-400018 में स्थित है 20-9-1992 से तीन और वर्ष की अवधि के लिए का.आ. 3186 तारीख 20-9-1986 के अनुसार अधिसूचित गतों के अधीन रहते हुए अभिकरण के रूप में मान्यता देती है।

(फाइल सं. 5(7)/86-ई आई एण्ड ई पी)

कु. सुमा सुब्बान्णा, निदेशक

## MINISTRY OF COMMERCE

## NOTIFICATION

New Delhi, the 28th October, 1992

S.O. 2825.—In exercise of the powers conferred by sub-section (i) of Section 7 of the Export (Quality Control and Inspection Act, 1963 (22 of 1963), the Central Government hereby recognises M/s. Siemens Ltd., having their registered office at 134-A, Dr. Annie Besant Road, Worli, Bombay-400018 as the agency for a further period of 3 years w.e.f.

20-9-1992, for inspection of electric motors (5.5 HP to 425 HP) manufactured at M/s. Siemens Ltd., Kalwa, Thana—400 601 prior to export subject to the conditions notified vide S.O. No. 3186, dated 20-9-1986.

(File No. 5(7)/86-EI and EI)

Kum. SUMA SUBBANNA, Director

(मुख्य निर्वहन, आयात-निर्गत का कार्यालय)

प्रवेश

नई दिल्ली, 10 अक्टूबर, 1992

का. आ. 2825.—केंद्रीय सरकार निर्यात गुण नियंत्रण अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सैमर्स सीमेंस लिमिटेड, कालवा, थाना-400601 में विनिर्मित इन्वैल्ट्रक मोटर 5.5 हार्स पावर से 425 हार्स पावर का निर्यात से पूर्व निरीक्षण करने के लिए सैमर्स सीमेंस लिमिटेड, जिनका रजिस्ट्रीकृत कार्यालय 134ए, डा. ऐमीबेसन्ट रोड, वर्ली, बम्बई-400018 में स्थित है 20-9-1992 से तीन और वर्ष की अवधि के लिए का.आ. 3186 तारीख 20-9-1986 के अनुसार अधिसूचित गतों के अधीन रहते हुए अभिकरण के रूप में मान्यता देती है।

कम से कम लाइसेंस की सीमाशुल्क और मुद्रा निर्वहन प्रयोजन प्रति की अनुसूची प्रति इस आधार पर जारी करने के लिए प्रावधान किया है कि लाइसेंस की मूल सीमाशुल्क प्रयोजन तथा मुद्रा निर्वहन प्रति सी.जी.ई. या गुम हो गई है। यह भी बताया गया है कि लाइसेंस की सीमाशुल्क प्रयोजन तथा मुद्रा निर्वहन प्रति की किसी सीमाशुल्क प्राधिकारी से प्राप्त नहीं कराया गया था और इस प्रकार सीमाशुल्क प्रयोजन प्रति के मूल्य का बिलकुल भी इस्तेमाल नहीं किया गया है।

2. अपने तर्कों के समर्थन में लाइसेंसधारक ने नोटरी पब्लिक, मद्रास के समक्ष विधिवत् प्रत्यक्ष लेकर स्टाम्प पेपर पर एक हजकनामा दाखिल किया है। तदनुसार मैं मनुष्य हूँ कि आयात लाइसेंस में, पी/सी जी/2100333 दिनांक 24-7-92 का मूल सीमाशुल्क प्रयोजन तथा मुद्रा निर्वहन प्रति फर्म से खो गई है या गुम हो गई है। यथा-संशोधित आयात (निर्वहन) प्रवेश, 1955 दिनांक 7-12-1955 के उप खण्ड 9 (ग ग) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए ने. एपीएच शूज लि., 31 मैडोक्स स्ट्रीट, मद्रास-600112, को जारी की गई मूल सीमाशुल्क प्रयोजन तथा मुद्रा निर्वहन प्रति से, पी/सी जी/2100333 दिनांक 24-7-92 को एतद्वारा निरस्त किया जाता है।

3. उक्त लाइसेंस की एक दूसरी सीमाशुल्क प्रयोजन तथा मुद्रा निर्वहन प्रति पाली को अलग से जारी की जा रहा है।

(का. सं. 18/346/ए एम 93/ई. पी. सी. जी.-2/599)

अंशदाता माया है, केम. उ. मुख्य निर्वहन, आयात-निर्गत

(Office of the Chief Controller of Imports and Exports)

## ORDER

New Delhi, the 20th October, 1992

S.O. 2826.—M/s. Florind Shoes Ltd., 31, Maddox Street, Madras-600112, were granted an import licence No. P/CG/2100333, dated 24-7-1992 for Rs. 1,73,29,981/- (Rupees One crore seventy three lakhs twenty nine thousand nine hundred and eight one only) for import of C. G. as per list enclosed under EPCG Scheme.

The firm has applied for issue of Duplicate copy of Customs and Exchange Control purpose copy of the above mentioned licence on the ground that the original Customs purpose and Exchange control copy of the licence has been lost or misplaced. It has further been stated that the Customs purpose and Exchange Control copy of the licence was not registered with any Customs Authority and as such the value of Customs purpose copy has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public, Madras. I am accordingly satisfied that the

original Customs purpose and Exchange control copy of import licence No. P/CG/2100333, dated 24-7-1992 has been lost or misplaced by the firm in exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs purpose and Exchange control copy No. P/CG/2100333, dated 24-7-1992 issued to M/s. Florind Shoes Ltd., 31, Maddox Street, Madras-600112, is hereby cancelled.

3. A duplicate Customs purpose and Exchange Control copy of the said licence is being issued to the party separately.

[F. No. 18/346/AM. 93/EPCG-II/599]  
Mrs. MAYA D. KEM, Dy. Chief Controller  
of Import and Export

### ऊजा मंत्रालय

(पेट्रोलियम एवं प्राकृतिक गैस विभाग)

नई दिल्ली, 12 अक्टूबर, 1992

क्र. आ. 2827.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का (प्रारंभ) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना क्र. आ. सं. 845 तारीख 9-3-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना अधिकार घोषित कर दिया था ;

और यतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ;

और धागे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है ;

और धागे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाए तेल और प्राकृतिक गैस धावों में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

### अनुसूची

कूप नं. 11 से पादरा ई. पी. एस. तक पाइप लाइन बिछाने के लिए ।  
राज्य :—गुजरात जिला :—वडोदरा तालुका :—पादरा

गांव	सर्वे नं.	हेक्टेयर आरे.	सेन्टीयर
पादरा	1116/1	0 02	40
	1120	0 18	24
	1122	0 01	40
काटे ट्रैक		0 02	88
	1031	0 14	40
	1040	0 06	24
	1028	0 08	24
	1027	0 08	24
	1041	0 09	20

1	2	3	4	5
	975	0	11	20
	976	0	06	40
	973	0	08	40
	974	0	00	50
	963	0	01	50

[सं. 11027/29/90-ओ एन जे ई-III-IV]

एम. मार्टिन, डेस्क अधिकारी

### MINISTRY OF PETROLEUM & NATURAL GAS

(Department of Petroleum & Natural Gas)

New Delhi, the 12th October, 1992

S.O. 2827.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 845 dated 9-3-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline ;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the Schedule appended to this notification ;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

### SCHEDULE

Pipeline from Well-11 to Padra EPS

State : Gujarat District : Vadodra Taluka : Padra

Village	Survey No.	Hec-tare	Aro	Cent-tiare
Padra	1116/1	0	02	40
	1120	0	18	24
	1122	0	01	40
	Cart track	0	02	88
	1031	0	14	40
	1029	0	06	24
	1028	0	06	24
	1027	0	06	24
	1041	0	09	20
	975	0	11	20
	976	0	06	40
	973	0	06	40
	974	0	00	50
	963	0	01	50

[No. O-11027/29/90-O.N.G.D.-III/IV]

M. MARTIN, Desk Officer

नई दिल्ली, 12 अक्टूबर, 1992

user in the lands in the Schedule appended to this notification;

का. आ. 2828.—यतः पेट्रोलियम और खनिज पाइपलाइन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का. आ. सं. 589 तारीख 2-2-90 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था ;

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ;

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाना है ;

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

अनुसूची

टी. पी. रानसन से रामोल जी. जी. एन. तेल पाइप लाइन बिछाने के लिए

राज्य:—गुजरात जिला न तालुका:—गांधीनगर

गांव	ब्लॉक नं.	हेक्टेयर	आर.	सेंटिय.
रानामन	130	0	01	00
	129	0	29	40
	125/पी	0	00	88
कार्ट ट्रैक		0	01	80
	134	0	00	80
	125/पी	0	05	40
	124	0	41	00

[सं. ओ.-11027/18/90-ओ एन जी से-III/IV)]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 12th October, 1992

S.O. 2828.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 589 dated 2-2-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline ;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

## SCHEDULE

Pipeline from T.P. Ranasan to Ramol GGS

State : Gujarat District &amp; Taluka : Gandhinagar

Village	Block No.	Hectare	Acre	Centiare
Ranasan	130	0	01	00
	129	0	29	40
	125/P	0	00	88
	Cart track	0	01	80
	134	0	00	80
	125/P	0	05	40
	124	0	41	00

[No. O-11027/18/90-ONGD-III/IV]

M. MARTIN, Desk Officer

नई दिल्ली, 12 अक्टूबर, 1992

का. आ. 2829.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का. आ. सं. 1443 तारीख 24-4-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था ;

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ;

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है ;

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

भारत

नई दिल्ली, 12 अक्टूबर, 1992

के. एन. के फेज-II के लिए लाईन बिछाने के लिए

राज्य--गुजरात जिला और तालुका--वडोदरा

गांव	सर्वे नं.	हेक्टर	आर	सेन्टीयर
नंदेसरी	422/1	0	05	00
	420	0	16	20
	426/पी	0	02	60
	431/2	0	18	20
	429/2	0	10	00
	429/1	0	02	00
	428	0	13	60
	427	0	16	00
	426/2	0	20	00
	426/1	0	20	00

[सं. ओ.-12016/187/91-ओ एन जी डी-4]

एम. माटिन, डेस्क अधिकारी

New Delhi, the 12th October, 1992

S.O. 2829.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1443 dated 24-4-1992 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the Schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

## SCHEDULE

## Pipe Line for KNK Phase-II

State : Gujarat Dist. &amp; Taluka : Vadodara

Village	Survey No.	Hectare	Are	Centiare
Nandesari	422/1	0	05	00
	420	0	16	20
	426/P	0	02	60
	431/2	0	18	20
	429/2	0	10	00
	429/1	0	02	00
	428	0	13	60
	427	0	26	00
	426/2	0	20	00
	426/1	0	20	00

[No. O-12016/187/91-ONGD-IV]

M. MARTIN, Desk Officer

आ. भा. 2836—यहां पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना आ. भा. सं. 991 तारीख 15-3-91 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था ;

और यहाँ महत्व प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ।

और आगे, यहाँ केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ।

अब, यहाँ उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार तदुद्देश्य साधित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है ।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्दिष्ट है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित शक्ति की बजाए तेल और प्राकृतिक गैस प्रायोजकों में संलग्न बकायों से मुक्त का है, बीमारी के प्रकाशन की इस तारीख को निहित होगा ।

## अनुसूची

अवकाश-24 से हुई पी एम उबका नम पाइप लाइन बिछाने के लिए ।

राज्य--गुजरात जिला--वडोदरा तालुका--पादरा

गांव	अवकाश नं.	हेक्टेयर	आर	सेन्टीयर
माजलिन	कास्ट्रै ट्रेक	0	01	30
	599	0	08	6
	598	0	09	52
	कास्ट्रै ट्रेक	0	00	91

[सं. ओ.-11027/156/90-ओ एन जी डी-II]

New Delhi, the 12th October, 1992

S.O. 2830.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 971 dated 15-3-1991 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after consulting the said report decided to acquire the right of user in the lands in the Schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said and specified in the schedule appended to this notification hereby acquired for laying the pipeline;



And further in exercise of power conferred by sub-section (1) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

## SCHEDULE

Pipeline from DABKA-34 to EPS DABKA

State : Gujarat District : Vadodara Taluka : Padra

Village	Block No.	Hectare	Are	Centiare
Majatan	Cart track	0	01	30
	599	0	08	26
	598	0	09	52
	Cart track	0	00	91

[No. O-11027/156/90-ONGD-III]  
M. MARTIN, Desk Officer

नई दिल्ली, 12 अक्टूबर, 1992

का. भा. 2831.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का. भा. सं. 977 तारीख 22-3-91 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना प्राथम्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

कूप नं. -25 से कूप नं. 5 तक पाइप लाइन बिछाने के लिए।

राज्य:—गुजरात जिला:—वडोदरा तालुका:—पादरा

गांव	सर्वे नं.	हेक्टर	आर	सेन्टीयर
गवासद	245	0	30	75
	246	0	09	60
	247	0	00	70
	236	0	07	50
	249	0	15	45

1	2	3	4	5
	261	0	09	90
	कार्ट ट्रैक	0	00	60
	268	0	15	15
	257	0	00	50
	269	0	00	50
	271	0	12	00
	270	0	08	10
	278	0	08	40
	277	0	09	90
	279	0	00	40
	276	0	06	75
	कार्ट ट्रैक	0	02	25

[सं. ओ.-12016/5/91-ओ एन जी सी-IV)]  
एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 12th October, 1992

S.O. 2831.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 977 dated 22-3-1991 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the Schedule appended to this notification:

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline:

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

## SCHEDULE

Pipeline from Well No. 25 to Well No. 5

State : Gujarat District : Vadodara Taluka : Padara

Village	Survey No.	Hectare	Are	Centiare
Gavasad	245	0	30	75
	246	0	09	60
	247	0	00	70
	236	0	07	50
	249	0	15	45
	261	0	09	90
	Cart track	0	00	60
	268	0	15	15
	257	0	00	50
	269	0	00	50
	271	0	12	00

1	2	3	4	5
	270	0	08	10
	278	0	08	40
	277	0	09	90
	279	0	00	40
	276	0	06	75
	Cart track	0	02	25

[No. O-12016/5/91-ONGD-IV]  
M. MARTIN, Desk Officer

नई दिल्ली, 12 अक्टूबर, 1992

का. घा० 2832.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का. घा. सं. 964 तारीख 15-3-91 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना प्राणय घोषित कर दिया था।

और यतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाए तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

जी. जी० एस० 5 से जी० सी० एस० कलोल तक पाइपलाइन बिछाने के लिए।

राज्यः—गुजरात जिलाः—महेसाणा तहसील : कलोल

गांव	सर्वे नं.	हेक्टर	आरे	सेण्टीयर
कलोल	1111	0	08	00
	1110	0	08	00
	1109	0	12	60
	1101/1	0	11	10
	1100/1	0	00	80
	1100/2	0	06	80
	1100/4	0	05	60
	1096/4	0	24	20
	कार्ट ट्रैक	0	01	60
	896/1	0	11	90
	890	0	17	40
	कार्ट ट्रैक	0	12	20
	849/3	0	17	50

1	2	3	4	5
कलोल (जारी)	889	0	08	20
	850	0	12	10
	888	0	04	75
	851	0	07	50
	852	0	02	80
	887	0	13	70
	857	0	23	60
	845	0	61	00
	818/1	0	00	30
	837	0	39	00
	835	0	11	00
	कार्ट ट्रैक	0	02	00

[सं. ओ०-11027/148/90—ओ० एन०.जी० बी-III]

एन. मार्टिन, डेस्क अधिकारी

New Delhi, the 12th October, 1992

S.O. 2832.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 964 dated 15-3-1991 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the Schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

#### SCHEDULE

Pipeline from GGS-5 to GCS Kalol

State: Gujarat District: Mehsana Taluka : Kalol

Village	Survey No.	Hectare	Are	Centiare
Kalol	1111	0	08	00
	1110	0	08	00
	1109	0	12	60
	1101/1	0	11	10
	1100/1	0	00	80
	1100/2	0	06	80
	1100/4	0	05	60
	1096/4	0	24	20
	Cart track	0	01	60
	896/1	0	11	90
	890	0	17	40
	Cart track	0	12	20
	849/3	0	17	50

1	2	3	4	5
	889	0	08	20
	850	0	12	10
	888	0	04	75
	851	0	07	50
	852	0	02	80
	887	0	13	70
	857	0	28	60
	845	0	61	00
	818/1	0	00	30
	837	0	39	00
	835	0	11	00
	Cart track	0	02	00

[No. O-11027/148/90-ONGD-III]  
M. MARTIN, Desk Officer

नई दिल्ली, 12 अक्टूबर, 1992

का.प्रा. 2333:—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1942 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार ने ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.प्रा.सं. 969 तारीख 15-3-81 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

के.एन.के. फेस-II के लिए पार्श्व लाइन बिछाने के लिए।

राज्य—गुजरात जिला और तालुका—वडोदरा

गांव	सर्वे नं.	हेक्टर	आर	सेंटीयर
फजलपुर	6	0	11	20
	1/बी	0	57	40

[सं.गो.-11023/153/90-ओएनजीसी-III]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 12th October, 1992

S.O. 2833.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 969 dated 15-3-1991 under sub-section (1) of Section 3 of

the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the Schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

#### SCHEDULE

Pipe Line for K N K Pl -II

State : Gujarat Dist. & Taluka: Vadodara.

Village	Survey No.	Hectare	Are	Centiare
Fajalpur	6	0	11	20
	1/B	0	57	40

[No. O-11027/153/90-ONGD-III]  
M. MARTIN, Desk Officer

नई दिल्ली, 12 अक्टूबर, 1992

का.प्रा. 2334:—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.प्रा.सं. 970 तारीख 15-3-81 द्वारा केन्द्रीय सरकार ने उन अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

जी.जी.एस. 5 से जी.सी.एस. कलोल तक पाइपलाइन बिछाने के लिए।

राज्य :—गुजरात जिला :—महसाणा तहसील : कलोल

गांव	ब्लॉक नं.	हेक्टर	आर.	सेंटीभार
ओला	446	0	44	10
	445	0	00	90
कार्ट ट्रैक		0	00	20
	430	0	34	40
	409	0	10	00
	410	0	07	20
	414	0	03	20
	415	0	04	80
कंस		0	03	10
	380	0	09	90
	378/पी	0	02	80
	382	0	15	80
	383	0	12	00
	267	0	00	10
	266	0	22	20

[सं. ओ.-11027/154/90-ओ एन जी की-II]

एम. मार्टिन, ईस्क अधिकारी

New Delhi, the 12th October, 1992

S.O. 2834.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 970 dated 15-3-1991 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the Schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

## SCHEDULE

Pipeline from GGS-5 to GCS Kalol

State : Gujarat District : Mehsana Taluka : Kalol

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Ola	446	0	44	10
	445	0	00	90
	Cart track	0	00	20

1	2	3	4	5
	430	0	34	40
	409	0	10	00
	410	0	07	20
	414	0	03	20
	415	0	04	80
	Kans	0	03	10
	380	0	09	90
	378/P	0	02	80
	382	0	15	80
	383	0	12	00
	267	0	00	10
	266	0	22	20

[No. O-11027/154/90-ONGD-III]

M. MARTIN, Desk Officer

नई दिल्ली, 12 अक्टूबर, 1992

का.भा. 2835 :—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.भा. सं. 986 तारीख 22-3-91 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का निर्णय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तब और प्राकृतिक गैस प्रायोग में सभी बाधाओं में मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

डबका-34 से ईपीएस डबका तक पाइप लाइन बिछाने के लिए

राज्य—गुजरात जिला—अहमदाबाद तालुका—पादरा

गांव	ब्लॉक नं.	हेक्टर	आर.	सेंटीभार
1	2	3	4	5
चित्राव	कार्ट ट्रैक	0	00	68
	213	0	11	31
	211	0	10	40
	कार्ट ट्रैक	0	01	04
	210	0	10	14
	207	0	11	08
	206	0	12	35

1	2	3	4	5
	कार्ट ट्रैक	0	00	65
	137	0	09	62
	138	0	10	14
	145	0	40	82
	कार्ट ट्रैक	0	00	65
	125	0	07	80

[सं. ओ-11027/158/90-ओ एन जी डी-III]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 12th October, 1992

S.O. 2835.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 986 dated 22-3-1991 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the Schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

## SCHEDULE

Pipeline from Dabka-34 to EPS Dabka.

State : Gujarat District : Vadodara Taluka : Padra

Village	Block No.	Hectare	Are	Centiare
Chitral	Cart track	0	00	65
	213	0	11	31
	211	0	10	40
	Cart track	0	01	04
	210	0	10	14
	207	0	11	05
	206	0	12	35
	Cart track	0	00	65
	137	0	09	62
	138	0	10	14
	145	0	40	82
	Cart track	0	00	65
	125	0	07	80

[No. O-11027/158/90-ONGD-III]

M. MARTIN, Desk Officer

नई दिल्ली, 12 अक्टूबर, 1992

का.सा. 2836:—ज. पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अर्थात् भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.सा.सं. 425 तारीख 28-1-91 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों की बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने को बचाव सेन और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन को इस तारीख को निहित होगा।

## अनुसूची

डबका-34 से ह.पो.एस.—डबका तक पाइप लाईन बिछाने के लिए।

राज्य :—गुजरात जिला :—वडोदा तालुका :—जुवसर

गांव	ब्लॉक नं.	हेक्टेयर	घ.सं.	सेंटेयर
कहाणवा	411	0	18	33
	413/बो	0	24	31
	414	0	08	19

[सं. पी.-11027/161/90-ओ एन जी डी-III]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 12th October, 1992

S.O. 2836.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 425 dated 28-1-91 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the Schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

### SCHEDULE

Pipeline from Dabka-34 to EFS Dabka

State : Gujarat District : Bharuch Taluka : Jambusar

Village	Block No.	Hectare	Are	Centiare
Kahanwa	411	0	18	33
	413/B	0	24	31
	414	0	08	19

[No. O-11027/161/90-ONGD-III]

M. MARTIN, Desk Officer

नई दिल्ली, 12 अक्टूबर, 1992

का.प्र. 2837 :—प्रति: पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.प्र.सं. 972 तारीख 15-3-91 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का प्रस्ताव प्रेषित कर दिया था।

और, प्रति, संलग्न प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और, प्राप्ति, यहाँ केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिर्देश किया है।

अब, प्रति, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार ए.ए.द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में हुए विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए ए.ए.द्वारा अर्जित किया जाता है।

और, प्राप्ति, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस प्रायोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की तारीख को निहित होगा।

### अनुसूची

जी.ओ.एस. 5 में जी.सी.एस. कलोन एक पाइपलाइन बिछाने के लिए।

राज्य :—गुजरात जिला :—मेहसाणा तहसील : कलोन

गाँव	सर्वेसं.	हेक्टेयर	भार.	सेटीयर
1	2	3	4	5
सईज	1376	0	08	20
	1377	0	11	70
	1378	0	02	00
	1379	0	01	80
	1380	0	02	10

1	2	3	4	5
	1381/1	0	02	70
	1382	0	03	50
	1393	0	02	10
	1394	0	02	70
	1395/1	0	02	60
	1396	0	11	60
	1397	0	10	70
	1406/1	0	04	20
	1408/1	0	06	30
	1405/2	0	02	50
	1404	0	00	30
	1399/1	0	00	10
	1401/1	0	01	20
	1403/2	0	10	20
	1403/1	0	09	20
	1403/5	0	00	10
	1425/2.	0	05	40
	कार्ट ट्रैक	0	02	00
	1240	0	00	35
	1239	0	06	20
	1237/1	0	02	81
	1236	0	02	70
	कार्ट ट्रैक	0	01	00
	1235/1	0	01	00
	1215/2	0	06	60
	1234/3	0	07	00
	1233	0	01	40
	1165	0	09	20
	1168/2	0	04	10
	1169/2	0	04	30
	1170/1	0	03	10
	1170/2	0	01	20
	1117/1	0	00	40
	1171/2	0	05	10
	1192/1	0	03	10
	1191/1	0	03	00
	1190/1	0	03	00
	1189/1	0	01	30
	1189/2	0	01	15
	1188/1	0	06	10
	1186/3	0	02	20
	1186/2	0	00	60
	1187/3	0	00	20
	1187/2	0	01	10
	1187/1	0	02	15
	1185/1	0	05	70
	1183	0	00	15
	1182	0	04	40
	982	0	03	90
	983	0	03	50

[सं. क्र.:-11027/184/90-ओ एन जी-III]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 12th October, 1992.

S.O. 2837.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 972 dated 15-3-1991 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the Schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

## SCHEDULE

Pipeline from GGS-5 to GCS Kalol

State : Gujarat District : Mehsana Taluka : Kalol

Village	Survey No.	Hectare	Acre	Centiare
1	2	3	4	5
Salj	1376	0	08	20
	1377	0	11	70
	1378	0	02	00
	1379	0	01	80
	1380	0	02	10
	1381/1	0	02	70
	1382	0	03	50
	1393	0	02	10
	1394	0	02	70
	1395/1	0	02	60
	1396	0	11	60
	1397	0	10	70
	1406/1	0	04	20
	1405/1	0	06	30
	1405/2	0	03	50
	1404	0	00	30
	1399/1	0	00	10
	1401/1	0	01	20
	1403/3	0	10	20
	1403/1	0	09	20
	1403/5	0	00	10
	1425/2	0	05	40
Cart track		0	02	00
	1240	0	00	35
	1239	0	06	20
	1237/1	0	02	81
	1236	0	02	70
Cart track		0	01	00
	1235/1	0	01	00
	1235/2	0	06	60
	1234/3	0	07	00

1	2	3	4	5
	1233	0	01	40
	1165	0	09	20
	1168/2	0	04	10
	1169/2	0	04	30
	1170/1	0	03	10
	1170/2	0	01	20
	1117/1	0	03	40
	1171/2	0	05	10
	1192/1	0	03	10
	1191/1	0	03	00
	1190/1	0	03	00
	1189/1	0	01	30
	1189/2	0	01	15
	1188/2	0	06	10
	1186/3	0	02	20
	1186/2	0	00	60
	1187/3	0	00	20
	1187/2	0	01	10
	1187/1	0	02	15
	1185/1	0	05	70
	1183	0	00	15
	1182	0	04	40
	982	0	03	90
	983	0	03	50

[No. O-11027/156/90-ONGD-III]

M. MARTIN, Desk Officer

नई दिल्ली, 12 अक्टूबर, 1992

का.घा. 2838 :—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.घा.सं. 966 तारीख 15-3-91 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न भूमिओं में विनिर्दिष्ट भूमिओं में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अधिष्ठित करने का अपना आशय घोषित कर दिया था।

और, यतः, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार की रिपोर्ट दे दी है।

और, आगे, यतः, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न भूमिओं में विनिर्दिष्ट भूमिओं में उपयोग का अधिकार अधिष्ठित करने का विनिश्चय किया है।

अब, अतः, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न भूमिओं में विनिर्दिष्ट उक्त भूमिओं में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अधिष्ठित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमिओं में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग, में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

जी.जी.एस. 5 से जी.सी.एस. कालोल तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात जिला : मेहसाणा तहसील : कालोल

गाँव	ब्लॉक नं.	हेक्टेयर	घाट	सेंटीघाट
प्रतापपुरा	66	0	24	80
	67	0	15	80
	69	0	03	10
	70	0	26	80
कार्टट्रेक		0	01	40
	76	0	33	50
	77	0	05	80
	95	0	17	40
	96	0	15	10
	97	0	20	80
	117	0	14	20

[सं. ओ-11027/150/90-ओएनजी गै-III]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 12th October, 1992

S.O. 2838.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 966 dated 15-3-1991 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And, further, whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the Schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

## SCHEDULE

Pipeline from GGS-5 to GCS Kalol

State : Gujarat District : Mehsana Taluka : Kalol

Village	Block No.	Hectare	Acre	Centiare
Pratappura	66	0	24	80
	67	0	15	80
	69	0	03	10
	70	0	26	80
Cart track		0	01	40
	76	0	33	50
	77	0	05	80
	95	0	17	40
	96	0	15	10
	97	0	20	80
	117	0	14	20

[No. O-11027/150/90-ONGD-III]

M. MARTIN, Desk Officer

नई दिल्ली, 14 अक्टूबर, 1992

का.आ. 2839.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए आन्ध्र प्रदेश में पाइप लाइन परियोजना के अन्तर्गत मोरिंग (4) से मोरिंग ईपी एल तक तेल और प्राकृतिक गैस आयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इससे साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः, पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खंड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

इससे कि उक्त भूमि में अपनी रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति राक्षम प्राधिकारी तेल और प्राकृतिक गैस आयोग, के.जि. प्रोजेक्ट, भुंगकरणा कार्यालय, राजमुद्रि, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निविष्ट करना होगा कि यह व्यक्तिगत रूप से प्रत्येक विधि आवश्यक के माध्यम से अपना मत प्रस्तुत करना चाहता है।



## अनुसूची

अर.ओ.यू. डिप पाइन तक मोरि-ए (4) से मोरि ई. पि.एस.

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल हेक्टरों एकड़ में	विवरण
1	2	3	4	5	6
पूरुब गोदावरी	मलिकिपुरम	केसवदासुपालेम	256-2	0.010	
			256-3	0.115	
			256-4	0.095	
			257-1बी	0.170	
			258-1बी	0.035	
			258-1सी	0.015	
			258-2ए	0.015	
			261-1बी	0.035	
			261-1सी	0.035	
			261-1डी	0.070	
			263-2	0.190	
			262-1बी	0.090	
			262-2ए	0.025	
			218-2	0.025	
			216-5बी	0.040	
			216-4ए/2	0.060	
			216-4ए/4	0.040	
			216-2	0.060	
			214-2बी	0.120	
			जोड़		
			3.07	एकड़	

[सं. ओ-12016/78/92-ओ एन जी डी-4]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 14th October, 1992

S.O. 2839.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from NORIAN to MORI EPS in A.P. State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Mine-

ral pipelines (Acquisition of Right of User in the land) Act, 1962 the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, K.G.P. Project Rajahmundry (533103).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

ROU Pipe Line From Mori A(4) to Mori E.P.S.

District	Mandal	Village	Survey Nos.	Area in Hectares/ Acres	Remarks
1	2	3	4	5	6
East Godavari	Malikipuram	Kesavadasupalem	256-2	0.010	
			256-3	0.115	
			256-4	0.095	

1	2	3	4	5	6
			257—1B	0.170	
			258—1B	0.035	
			258—1C	0.015	
			258—2A	0.015	
			261—1B	0.035	
			261—1C	0.035	
			261—1D	0.070	
			263—2	0.190	
			262—1B	0.090	
			262—2A	0.025	
			218—2	0.025	
			216—5B	0.040	
			216—4A	0.060	
			2		
			216—4A	0.040	
			4		
			216—2	0.060	
			214—2B	0.120	
			Total	1.245 Hectares (or) 3.07 Acres.	

[No. O-1201-6/78/92-ONGD-IV]  
M. MARTIN, Desk Officer

नई दिल्ली, 14 अक्तूबर, 1992

का.आ. 2840.—जब कि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए आन्ध्र प्रदेश के पाइप लाइन परियोजना के अन्तर्गत रुवा आफ सोरपाइप लाइन तक तेल और प्राकृतिक गैस आप्रयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की आज्ञा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति पक्षम प्राधिकारी तेल और प्राकृतिक गैस आप्रयोग के.वि. प्रोजेक्ट, भूसेकरण, कार्यालय, राजभंदि, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विवेक रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अपना विभिन्न व्यवसाय के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची  
खुवा आफ सोर बाईप लाईन

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल हेक्टर/एकड़ में	विवरण
1	2	3	4	5	6
पूरब गोदावरी	उपलगापुल्लम	एस मानम	318/3सी	0.590	
			330/2	0.080	
			307/23ए	0.015	
			301/1बी	0.310	
			300/2ए	0.025	
			301/2बी	0.025	
			301/2आई	0.030	
			301/2सी	0.035	
			301/2एच	0.075	
			301/2डी	0.030	
			301/2जी	0.075	
			301/2ई	0.020	
			301/2एफ	0.045	
			302/1ए	0.015	
			302/3ए 1	0.035	
			302/3बी 1	0.052½	
			302/3सी 1	0.075	
			302/3डी 1	0.095	
			302/4बी	0.090	
			295/2	0.245	
			300/2ए	0.105	
			300/2बी	0.050	
			300/3ए		
			291/1	1.642½	
			293/2ए		
			293/4बी		
			292/1		
			जोड़	3.860	
			294/2 } 293/2बी } 293/4ए	0.885	
			296/2	0.280	
			296/3	0.200	
			296/4 } 297/2 }	0.130 } 0.155 }	
				5.510 हेक्टर	
				13.59-1/2 एकड़	

New Delhi, the 14th October, 1992

S.O. 2840.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Ravva Off-shore pipeline at S. Yanam in A.P. State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Mine-

ral pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, K.G.P. Project Rajahmundry (533103).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

## Ravva Off Shore Pipe Line

District	Mandal	Village	Survey Nos.	Area (In Hectares)	Remarks
East Godavari District	Uppalaguptam	S. Yanam	318/3C	0.590	
			330/2	0.080	
			307/23A	0.015	
			301/1B	0.310	
			300/2A	0.025	
			301/2B	0.025	
			2C	0.030	
			301/2C	0.035	
			2H	0.075	
			301/2D	0.030	
			2G	0.075	
			301/2E	0.020	
			2F	0.145	
			302/1A	0.015	
			302/3A1	0.035	
			302/3B1	0.052½	
			302/3C1	0.075	
			302/3D1	0.095	
			302/4B	0.090	
			295/2	0.245	
			300/2A	0.105	
			300/2B	0.050	
			300/3A	1.642½	
			291/1		
			293/2A		
			293/4B		
			292/1	0.885	
			294/2		
			293/2B		
			4A	0.280	
			296/2		
			296/3		
			296/4		
			297/2		
				5.510 Hectars	
				OR	
				—13.59½ Acres.	

[No. - O-12016/79/92-ONG-D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 14 अक्टूबर, 1992

का.मा. 2841.—यहां केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी एन ए ग्यू से टी बिन्दु तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोजन द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एक्साइज्ड अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) का) द्वारा 3 की उपधारा द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्वारा घोषित किया है।

बतते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोजन, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-8 की ओर अप्रतिस्पर्धता की तारीख से 21 दिनों के भीतर कर लेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कबन करेगा कि क्या यह वह वांछना है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विशिष्ट व्यक्तियों की संकेत।

## अनुसूची

जी एन ए ग्यू से 'टी' बिन्दु तक पाइप लाइन बिछाने के लिए।  
राज्य : गुजरात      जिला : मरुच      तालुका : अंबूलार

सं. क्र.	ख. क्र. नं.	हे.	घ. र.	मं.
358	00	20	10	
360	00	11	70	
369	00	00	48	
363	00	11	31	
364	00	02	30	
368	00	00	00	
385	00	12	50	
387	00	39	48	
384	00	16	50	
383	00	06	90	
330	00	09	00	
329	00	16	80	
328	00	09	30	
305	00	27	66	
304	00	08	25	
242	00	25	10	
219	00	16	50	
252	00	14	12	
251	00	01	44	
254	00	11	90	
255	00	10	60	
256	00	06	65	
239	00	04	20	
238	00	11	80	
227	00	23	40	
187	00	20	25	
204	00	13	65	
209	00	00	40	

सं. क्र.	ख. क्र. नं.	हे.	घ. र.	मं.
205	00	10	60	
203	00	05	70	
185	00	06	30	
178	00	20	10	
638	00	22	35	
631	00	30	20	
630	00	00	50	
632	00	06	50	
608	00	29	25	
639	00	14	70	
642	50	32	70	
670	00	16	65	
668	00	19	03	
667	00	05	25	
7	00	06	00	
6	05	26	40	
5	00	11	55	
3	00	11	25	
2	00	09	00	
296	00	13	50	
200	00	28	52	
201	00	10	20	
194	00	06	30	
188/ए	00	24	60	
193	00	11	40	
192	00	06	90	
191	00	03	60	
190	00	03	30	
193	00	19	50	
189/बी	00	15	30	
123	00	39	00	
121	00	13	80	
93	00	08	30	
119	00	07	38	
117	00	13	20	
115	00	15	60	
101	00	15	50	

[ सं. अ.-12016/80/92-अ. एन. जी. सी.-IV ]

एम. मार्टिन, डेप्ट. सचिवकारी

New Delhi, the 14th October, 1992

S.O. 2841.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from GNAQ to 'T' Point in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the land may, within 21 days from the date of this notification, object to

the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

### SCHEDULE

#### PIPELINE FROM GNAQ TO 'T' POINT

State : Gujarat Dist. Bharuch Taluka : Jambusar

Village	Block No.	Hectare	Are	Centiare
Kalak	358	00	20	10
	360	00	11	70
	369	00	00	48
	363	00	11	31
	364	00	02	30
	366	00	00	90
	365	00	13	50
	388	00	39	48
	384	00	16	50
	383	00	06	90
	330	00	09	00
	329	00	16	80
	328	00	09	30
	305	00	27	66
	304	00	08	25
	242	00	24	30
	239	00	16	50
	252	00	10	12
	251	00	01	44
	254	00	11	90
	255	00	10	60
	256	00	06	66
	229	00	04	20
	228	00	11	60
	227	00	23	40
	197	00	20	25
	204	00	13	65
	209	00	00	40
	205	00	10	60
	203	00	05	70
	185	00	06	30
	178	00	20	10
	628	00	22	35
	631	00	30	20
	630	00	00	50
	632	00	06	50
	606	00	29	25
	639	00	14	70
	642	00	32	70
	670	00	16	65
	668	00	19	00
	667	00	05	25
Vadeta	7	00	06	00
	6	00	26	40
	5	00	11	55
	3	00	11	25
Mahadara	2	00	09	00
	296	00	13	50
	200	00	28	52
	201	00	10	20
	194	00	06	30
	188/A	00	24	60
	193	00	11	40
	192	00	08	90
	191	00	03	60

Village	Block No.	Hectare	Are	Centiare
	190	00	03	30
	198	00	19	50
	188/B	00	15	30
	122	00	39	00
	121	00	13	80
	93	00	06	30
	119	00	07	38
	117	00	13	20
	115	00	15	60
	101	00	15	50

[No. O-12016/80/92-ONG-D-IV]

M. MARTIN, Desk Officer.

नई दिल्ली, 14 अक्टूबर, 1992

का.प्र. 2842—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में पी.डी.एच. 3 की पी.एच. से पादराई की एम.एच. वेदोपस्थित के पत्रिहल के लिये पादपलाइन तथा प्राकृतिक गैस उपयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसा लाभों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

यतः अब वेदोपस्थित और अर्जित पादपलाइन (भूमि में उपयोग के अधिकार का अर्जित) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उनमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बतते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के लिये पादपलाइन बिछाने के लिए अपने समस्त प्राधिकारी तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आदेश करते बाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या यह बहु चाहता है कि उनकी सुनवाई व्यक्तिगत रूप से हो या किसी विशिष्ट व्यक्तियों को मार्फत।

अनुसूची

पी.डी.एच. 3 की पी.एच. से ए.एच. से पादराई की एम.एच.

पादपलाइन बिछाने के लिए।

राज्य : गुजरात जिला तालुका : बड़ोदा

गांव	ब्लॉक नं.	हे.	आर	से.
1	2	3	4	5
रायपुरा	358	0	01	04
	356/1	0	02	86
	356/2	0	07	15
	356/3	0	06	24
	352/2	0	00	32
	355/3	0	03	97
	321	0	08	84
	325/4	0	04	49
	324	0	05	48

1	2	3	4	5
	323	0	07	80
	काटे ट्रैक	0	01	30
	298	0	08	45
	297	0	09	36
	301/1	0	05	75
	301/2	0	03	38
	301/3	0	00	75
	294/1	0	06	50
	292	0	06	50
	291	0	10	40
	289	0	14	50
	285	0	19	75
	काटे ट्रैक	0	00	65
	276	0	08	65
	267	0	11	96
	265	5	00	42
	266	0	11	44
	काटे ट्रैक	0	02	08
	127/1	0	24	43
	134/1	5	10	40
	135	0	17	68
	139	0	00	12
	141/1	0	00	40
	141/2	0	00	56
	काटे ट्रैक	0	00	56
	171/2	0	07	02
	170	0	08	32
	165	0	12	48
	164/2	0	05	72
	161	0	10	36
	162	0	00	14
	काटे ट्रैक	0	04	68
	160/1	0	04	55
	446	0	03	64
	काटे ट्रैक	0	03	10
	525	0	03	77
	526	0	09	88
	527/1	0	00	50
	522/2	0	02	36
	530	0	01	64
	539	5	16	2
	काटे ट्रैक	0	01	56
	293	0	15	86
	काटे ट्रैक	0	06	39

[सं. अ-12016/81/92-ओ एन अर डी-V]  
एम. मादिना, डेस्क अधिकारी

New Delhi, the 14th October, 1992

S.O. 2842.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from PDAP & PDAP to Padra EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

#### PIPELINE FROM PDAP & PDAP TO PADRA EPS.

State : Gujarat

District & Taluka : Vadodara

Village	Block No.	Hectare	Acre	Centiare
1	2	3	4	5
Raiputa	358	0	01	04
	356/1	0	02	86
	356/2	0	07	13
	356/3	0	06	24
	355/2	0	00	32
	355/3	0	03	97
	321	0	08	84
	325/4	0	04	49
	324	0	05	46
	323	0	07	80
	Cart track	0	01	30
	298	0	08	45
	297	0	09	36
	301/1	0	05	75
	301/2	0	03	38
	301/3	0	00	75
	294/1	0	06	50
	292	0	06	50
	291	0	10	40
	289	0	14	50
	285	0	19	76
	Cart track	0	00	65
	276	0	08	65
	267	0	11	96
	265	0	00	42
	266	0	11	44
	Cart track	0	02	08
	127/1	0	24	43
	134/1	0	10	40
	135	0	17	68
	139	0	00	12
	141/1	0	00	40
	141/2A	0	00	56
	Cart track	0	00	56
	171/2	0	07	02
	170	0	08	32
	165	0	12	48
	164/2	0	05	72
	161	0	10	36
	162	0	00	14
	Cart track	0	04	68
	160/1	0	04	55
	446	0	03	64
	Cart track	0	03	10

1	2	3	4	5
Raipura (Contd.) 525	0	03	77	
526	0	09	88	
527/1	0	00	50	
527/2	0	02	36	
528	0	03	64	
529	0	16	75	
Cart track	0	01	56	
293	0	13	86	
Cart track	0	00	29	

[No. O-12016/81/92-ONG-D-IV]

M. MARTIN, Desk Officer

तारीखें, 14 अक्टूबर, 1992

वा.वा. 2843.—यहां केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में पॉलीएथीएन पीएफ में पाद्रा हवी एन तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ;

और यहाँ यह प्रतीत होता है कि ऐसी लाइनों की बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने इसमें उपयोग का अधिकार अर्जित करने का अपना शास्य एतद्वारा घोषित किया है ;

इसमें कि उक्त भूमि में द्विचक्र कोई व्यक्ति, उस भूमि के लिये पाइपलाइन बिछाने के लिये आशेष सख्त अधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदा-8 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से या किसी विशिष्ट व्यवसायी की मार्फत ।

## अनुसूची

पॉली एथ पीपी एफपी पाद्रा व पी एन तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : वडोदा तालुका : पाद्रा

शॉक	ब्लॉक नं.	हे.	घा. सें.	
1	2	3	4	5
पाद्रा	कार्ट ट्रैक	0	00	78
	1209	0	21	32
	कार्ट ट्रैक	0	03	12
	1213	0	00	50
	1214	0	11	70
	1216	0	00	68
	1215	0	20	80
	1217	0	00	18
	कार्ट ट्रैक	0	03	64
	1188	0	06	76
	1187	0	11	96
	1184	0	08	45

1	2	3	4	5
	1183	0	02	08
	1181	0	11	70
	1179	0	00	52
	1179	0	20	28
	1109	0	17	16
	1112/1	0	07	05
	1112/2	0	04	50
	1109	0	11	05
	1113/1	0	08	84
	1055	0	18	20
	कार्ट ट्रैक	0	00	65
	1035/2	0	11	96
	1036	0	02	34
	1037	0	15	31
	1044	0	00	10
	1043	0	10	40
	1041/1/2	0	25	74
	975	0	18	20
	973	0	08	40
	974	0	02	72
	963	0	04	16
	962	0	04	16
	961	0	10	92

[नं. वा. 12016/81/92-आएन जी डी-4]

एम. नाटिन, हेड ऑफ अधिकारी

New Delhi, the 14th October, 1992

S.O. 2843.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from PDAE & PDAF to Padra EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

PIPELINE FROM PDAE & PDAF TO PADRA EPS.  
State : Gujarat District : Vadodara Taluka : Padra

Village	Block No.	Hectare	Acre	Centiare
1	2	3	4	5
Padra	Cart track	0	00	78
	1209	0	21	32
	Cart track	0	03	12
	1213	0	00	50



1	2	3	4	5
Padia (Contd.)	1214	0	11	70
	1216	0	00	68
	1215	0	20	80
	1217	0	00	18
	Cart track	0	03	64
	1188	0	06	76
	1187	0	11	96
	1184	0	08	45
	1183	0	02	08
	1181	0	11	70
	1178	0	00	82
	1179	0	20	28
	1109	0	17	16
	1112/1	0	07	05
	1112/3	0	04	50
	1108	0	11	05
	1113/P	0	08	84
	1055	0	18	20
	Cart track	0	00	65
	1035/2	0	11	96
	1036	0	02	34
	1037	0	15	34
	1044	0	00	10
	1043	0	10	40
	1041/1/2	0	25	74
	975	0	18	20
	973	0	08	40
	974	0	02	72
	963	0	04	16
	962	0	04	16
	961	0	10	92

[No. O-12016/82/92-ONG-D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 14 अक्टूबर, 1992

का.आ. 2844.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी.जी.एस.-वे.जी.सी.एस. कालोल तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस वायुमार्ग द्वारा बिछाई जानी चाहिए ;

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ;

वर्णन कि उस भूमि में हितवन् कोई व्यक्ति, उस भूमि के तेल पाइपलाइन बिछाने के लिए आक्षेप समक्ष प्राधिकारी तेल तथा प्राकृतिक गैस वायुमार्ग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चित यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनबाई व्यक्तिगत रूप से या किसी विधी व्यवसायी की मार्फत।

## अनुसूची

जी.जी.एस.-वे.जी.सी.एस. कालोल तक पाइपलाइन बिछाने के लिए  
राज्य : गुजरात जिला : मेहसाणा तहसील : कालोल

ग्राम	खण्ड नं.	हे.	आर.	सेटीयर
चहत्राले	623	0	15	40
	624	0	41	80

[मं.ओ-12016/82/92-ओएनजीडी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 14th October, 1992

S.O. 2844—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from G.G.S. V to G.C.S. Kalol in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

## PIPELINE FROM GGSV TO GCS KALOL

State : Gujarat District : Mehsana Taluka : Kalol

Village	Block No.	Hectare	Acre	Centiare
1	2	3	4	5
Chhatral	623	0	15	40
	624	0	41	80

[No. O-12016/83/92-ONG-D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 14 अक्टूबर, 1992

का.आ. 2845.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी.जी.एस.-V से जी.सी.एस. कालोल तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस वायुमार्ग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का आयोग करन हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ;

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उक्त भूमि के नीचे पाइपलाइन बिछाने के लिए आशेष सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिश्चित: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

बी.जी.एस. 5 से बी.सी.एस. कलोल तक पाइपलाइन बिछाने के लिए  
राज्य : गुजरात जिला : महसना तहसील : कलोल

गांव	ब्लॉक नं.	हेक्टर	आर.	गंटीयर
उमेश	805	0	27	00
	772	0	21	00
	773	0	10	40
	769	0	32	7

[सं. बी-12016/84/92-बी एनजी-बी-IV)  
एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 14th October, 1992

S.O. 2845.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from G.G.S. V to G.C.S. Kalol in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority. Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

#### SCHEDULE

##### PIPELINE FROM GGS-5 TO GCS KALOL

State : Gujarat District : Mehsana Tal : Kalol

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Isand	805	0	27	00
	772	0	21	00
	773	0	10	40
	769	0	32	70

[No. O-12016/84/92-ONG-D-IV)  
M. MARTIN, Desk Officer

नई दिल्ली, 14 अक्टूबर, 1992

का.आ 2846.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में पावरा-9 से ह.पी.एस. पावरा तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्दाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार सजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) को धारा 3 की उपधारा द्वारा प्रदान शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार सजित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उक्त भूमि के नीचे पाइपलाइन बिछाने के लिए आशेष सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिश्चित: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

#### अनुसूची

पावरा-9 से एपीएस पावरा तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात :		जिला और तालुका : वड़ोदरा		
गांव	ब्लॉक नं.	हेक्टर	आर	गंटीयर
राष्ट्रपुरा	165	0	10	53
	164/2	0	03	00
	1181	0	08	25
	कर्ट ड्रेक	0	01	05
	160/2	0	08	71

[सं. बी-12016/85/92-ओएनजी-बी-IV)  
एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 14th October, 1992

S.O. 2846.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Padra-9 to EPS-Padra in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority. Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

## PIPELINE FROM PADRA-9 TO EPS PADRA

State : Gujarat Taluka &amp; District : Vadodra

Village	Block No.	Hectare	Acre	Centiare
1	2	3	4	5
Ralpara	165	0	10	53
	164/2	0	03	06
	161	0	08	25
	Cart track	0	01	95
	160/2	0	08	71

[No. O-12016/85/92-ONG-D-IV]  
M. MARTIN, Desk Officer

नई दिल्ली, 14 अक्टूबर, 1992

का. मा. 2847.—यहां केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एन. के. सीटीएफ से सरखेज तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी साधनों का बिछाने के प्रयोजन के लिए एनव्हाइव अनुसूचि में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एनव्हाइव घोषित किया है।

अतः कि उक्त भूमि में हिव्वा कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आशेष सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ीदा-9 की इस अनुसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति निम्नलिखित यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी मृतवाही व्यक्तिगत रूप से हो या किसी विधि व्यवसायी को मार्फत।

## अनुसूची

उत्तर बाड़ी से सरखेज तक पाईप लाईन बिछाने के लिए।

राज्य: गुजरात	जिला: महमदाबाद	तालुका	सोन	
गांव	ब्लॉक नं.	हेक्टेयर	घार	सेंटीघार
तेलाव	39	0	01	25
	40	0	33	00
	38	0	01	80
	42/2	0	15	20
	42/1	0	15	20
	43	0	33	80

[सं. ओ-12016/86/92-ओ.ए.जी.सी-IV]  
एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 14th October, 1992

S.O. 2847.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from N.K. CTF to Sarkhej in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Mining Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

## PIPELINE FROM NORTH KADI TO SARKHEJ

State: Gujarat District: Vhamd District Taluka: Sanand

Village	Block No.	Hectare	Acre	Centiare
1	2	3	4	5
Telav	39	0	01	25
	40	0	33	00
	38	0	01	80
	42/2	0	15	20
	42/1	0	15	20
	43	0	33	80

[No. O-12016/86/92-ONG-D-IV]  
M. MARTIN, Desk Officer

नई दिल्ली, 14 अक्टूबर, 1992

का. मा. 2848.—यहां केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में पादरा-9 से पादरा-इपी एन तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी साधनों का बिछाने के प्रयोजन के लिए एनव्हाइव अनुसूचि में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) का धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एनव्हाइव घोषित किया है।

अतः कि उक्त भूमि में हिव्वा कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आशेष सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ीदा-9 की इस अनुसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति निम्नलिखित यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी मृतवाही व्यक्तिगत रूप से हो या किसी विधि व्यवसायी को मार्फत।

## अनुसूची

पादरा-9 से पादरा ई पी एस तक पादरा लाईन बिछाने के लिए

राज्य : गुजरात

जिला : वडोदरा

तालुका : पादरा

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

## SCHEDULE

## PIPELINE FROM PADARA-9 TO PADRA EPS.

State : Gujarat District : Vadodra Taluka : Padra

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Padra	1210	0	00	28
	1209	0	20	80
	Cart track	0	01	69
	1213	0	03	16
	1214	0	09	14
	1216	0	03	01
	1215	0	19	96
	1217	0	02	25
	Cart track	0	02	60
	1188	0	05	85
	1187	0	11	70
	1184	0	09	23
	1183	0	00	78
	1181	0	11	14
	1178	0	02	99
	1179	0	18	01
	1109	0	16	03
	1111	0	00	70
	1112/1	0	10	00
	1112/4	0	10	00
	1108	0	0	84
	1113/पा	0	09	07
	1055	0	17	16
	Cart track	0	01	95
	1035/2	0	12	54
	1036	0	00	75
	1037	0	15	84
	1043	0	09	12
	1041	0	17	16

[No.O-12016/87/92-ONG-D-IV]

M. MARTIN, Desk Officer

[गं. सं-12016/87/92-मा एन-ई-IV]

ए. माटिन, डेस्क अधिकारी

नई दिल्ली, 22 अक्टूबर, 1992

New Delhi, the 14th October, 1992

S.O. 2848.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Padra-9 to Padra-EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares it's intention to acquire the right of user therein.

Provided that any person interested in the land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

का.सं. 2848.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा आवश्यक है कि गुजरात राज्य में पादरा से पंजाब राज्य में भटिन्द तक राजस्थान और हरियाणा में होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पादपलाइन बिछाई जाए ।

और ऐसा प्रतीत होता है कि उक्त पादपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है ।

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पादपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रपक्ष शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपक्ष में या प्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार का अर्जन या भूमि में पादपलाइन बिछाने में आपत्ति निहित रूप में भी

हनुमान सहाय बागड़ा, लायजम अधिकारी और सखम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, कान्डला-भटिंडा पाइपलाइन परियोजना डी-45/बी, मुभाष मार्ग, "सी" स्कीम जयपुर-302 001 को कर सकेगा।

## अनुसूची

तहसील : आमेर जिला : जयपुर राज्य : राजस्थान

गांव का नाम	खसरा नं.	क्षेत्रफल		
		हैक्टर	अर	बर्ग-मीटर
1	2	3	4	5
कुकाग	945	0	00	17
	952	0	01	10
	953	0	00	90
	954	0	00	33

[संख्या आर-31015/16/92-ओ.आर.-I]  
कुलदीप सिंह, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS  
New Delhi, the 22nd October, 1992

S.O. 2849. —Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within 21 days from the date of which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D-45/B, Subhash Marg, 'C' Scheme Jaipur-302001.

## SCHEDULE

Tehsil : Amber District : Jaipur State : Rajasthan

Name of Village	Khasra No.	Area		
		Hectare	Acre	Centiare
1	2	3	4	5
Kukas	945	0	00	17
	952	0	01	10
	953	0	00	90
	954	0	00	33

[No. R-31015/16/92-O.R.I]  
KULDIP SINGH. Under Secy.

नई दिल्ली, 22 अक्टूबर, 1992

का.प्र. 2850.—केंद्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा आवश्यक है कि गुजरात राज्य में कान्डला से पंजाब राज्य में भटिंडा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए।

और ऐसा प्रतीत होता कि उक्त पाइपलाइन बिछाई के परोक्ष के लिए इस अधिसूचना में उल्लेख अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः अन्न केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियाँ का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय को घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में निम्नलिखित कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने में बाधित लिखित रूप में श्री हनुमान सहाय बागड़ा, लायजम अधिकारी और सखम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, कान्डला-भटिंडा पाइपलाइन परियोजना डी-4 /बी, मुभाष मार्ग, "सी" स्कीम जयपुर-302 001 को कर सकेगा।

## अनुसूची

तहसील : बिरादनगर; जिला : जयपुर राज्य : राजस्थान

## क्षेत्रफल

गांव का नाम	खसरा नं.	हेक्टेयर	अर	वर्गमीटर
1	2	3	4	5
जवानपुरा	1056	0	02	17
	2192			
	1053	0	00	33

[संख्या : आर-31015/16/92-ओ.आर.-I]  
कुलदीप सिंह, अवर सचिव

New Delhi, the 22nd October, 1992

S.O. 2850. —Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline

under the and to Shri H. S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D-45/B, Subhash Marg, 'C' Scheme Jaipur-302001.

### SCHEDULE

Tehsil : Viratnagar District : Jaipur State : Rajasthan

Name of Village	Khasra No.	Hectare	Are	Centiare
1	2	3	4	5
Jawanpura	1056	0	02	17
	2192			
	1059	0	00	33

[No. R-31015/16/92-O.R.-I]  
KULDIP SINGH, Under Secy.

नई दिल्ली, 22 फरवरी, 1992

का.भा. 2851.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में ऐसा आवश्यक है कि गुजरात राज्य में कान्हा से पंजाब राज्य में बटिन्दा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन आयल कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए:

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाध्व अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1982 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने प्राण्य की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में तथा प्रकाशित इस अधिसूचना का प्रतियां जमा को उपलब्ध करा दिए जाने का तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने में आपत्ति लिखित रूप में श्री सुपान सहाय धागड़ा, धायजन अधिकारी और सलम प्राधिकारी, इडि : प आयल कारपोरेशन लिमिटेड, कान्हा-बटिन्दा पाइपलाइन परियोजना, डी-45 बी, सुभाष मार्ग, "सी" स्कीम जयपुर-302 001 को कर सकेगा।

### अनुसूची

तहसील : बहरोड :	जिला : अलवर :	राज्य : राजस्थान		
क्षेत्रफल				
शिव का नाम	असरानं.	हेक्टेयर	घार	सेन्टिमीटर
1	2	3	4	5
जयपुरवास	115	0	00	82
	114	0	00	84
	120	0	00	84

[संख्या:आर-31015/16/92-ओ.आर.-I]

कुलदीप सिंह, अवर सचिव

New Delhi, the 22nd October, 1992

S.O 2851 —Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana; pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H. S. Bagera, Liaison officer and Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, D-45/B, Subhash Marg, 'C' Scheme Jaipur-302001.

### SCHEDULE

Tehsil : Behror		District : Alwar		State : Rajasthan	
1	2	3	4	5	
Name of Village	Area				
	Khasra No.	Hectare	Are	Centiare	
1	2	3	4	5	
Jainpurvas	115	0	00	82	
	114	0	00	84	
	120	0	00	84	

[No. R-31015/16/92-O.R.-II]  
KULDIP SINGH, Under Secy

नई दिल्ली, 22 फरवरी, 1992

का.भा. 2852.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1982 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.भा. 138, तारीख 20 दिसम्बर, 1991 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने प्राण्य की घोषणा की थी।

और राजपत्रित अधिसूचना की प्रतियां जमा को तारीख 6 फरवरी 1992 को उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सलम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है।

मतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अक्षिप्त किए जाते हैं।

यह और कि केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निवेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाए सभी विस्मरणों से मुक्त इंडियन प्रायल कॉर्पोरेशन लिमिटेड में निहित होगा।

## अनुसूची

तहसील : रापर	जिला : कच्छ	राज्य : गुजरात		
ग्राम का नाम	सर्वे संख्या	क्षेत्रफल		
		हेक्टर	घारे	वर्ग मीटर
1	2	3	4	5
कीडियानगर	591/1	0	24	30
	591/6	0	18	00
	590/3	0	10	80
	590/2	0	16	20
	588	0	07	20
	589/1	0	14	40
	586	0	40	50
	582/1	0	09	00
	583/1	0	24	30
	583/ 3	0	07	20
	702/1	0	06	30
	702/2	0	06	30
	701/1	0	19	80
	703/2	0	17	10
	699	0	13	14
	697	0	00	90
	696/1	0	17	10
	696/4	0	16	20
	742/1	0	10	44
	746/3	0	02	70
	746/1	0	14	76
कीडियानगर	746/2	0	15	66
	745/1	0	17	10
	744/1	0	07 ]	74
	799/1	0	05	85
	810	0	05	85
	808/1	0	14	40
	809	0	04	50
	806	0	13	50
	804	0	28	80
	815	0	18	00
	943	0	09	00
	944	0	12	60
	949	0	54	00
	950/1	0	01	80
970	0	13	50	
969	0	09	90	

967	0	19	44
968/1	0	19	44
967	0	19	44
993/1	0	18	90
992/3	0	03	60
1229/1	0	19	44
1228/1	0	11	70
28/1	0	07	44
28/2	0	07	44

[फाईल सं. आर-31015/12/92-श्रीधर-I]

कुलवीर सिंह, अवर सचिव

New Delhi, the 27th October, 1992

S.O. 2852.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 138, dated the 20th December, 1991 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of use in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas the copies of the said Gazette notification were made available to the public on the 6th February, 1992;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired:

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the lands shall instead of vesting in the Central Government, vest in the Indian Oil Corporation Limited free from all encumbrances.

## SCHEDULE

Tehsil : Rapar		District : Kachchh		State : Gujarat	
Name of Village	Survey No.	Area			
		Hectare	Are	Square Metres	
1	2	3	4	5	
Kidiyanagar	591/1	00	24	30	
	591/6	00	18	00	
	590/3	00	10	80	
	590/2	00	16	20	
	588	00	07	20	
	589/1	00	14	40	
	586	00	40	50	
	582/1	00	09	00	
	583/1	00	24	30	
	583/3	00	07	20	
702/1	00	06	30		

1	2	3	4	5
Kidiyanagar	702/2	00	06	30
	701/1	00	19	80
	703/2	00	17	10
	699	00	13	14
	697	00	00	90
	696/1	00	17	10
	696/4	00	16	20
	742/1	00	10	44
	746/3	00	02	70
	746/1	00	14	76
	746/2	00	15	66
	743/1	00	17	10
	744/1	00	07	74
	799/1	00	05	85
	810	00	05	85
	808/1	00	14	40
	809	00	04	50
	806	00	13	50
	804	00	28	80
	815	00	18	00
	943	00	09	00
	944	00	12	00
	949	00	54	00
	950/1	00	01	80
	970	00	13	50
	969	00	09	90
	967	00	19	44
	968/1	00	19	44
	967	00	19	44
	993/1	00	18	90
	992/3	00	03	60
	1229/1	00	19	44
	1228/1	00	11	70
Badaipar	28/1	00	07	44
	28/2	00	07	44

[File No. R-31015/12/92-ORI]  
KULDIP SINGH, Under Secy.

#### संचार मंत्रालय

#### (दूर संचार विभाग)

नई दिल्ली, 26 अक्टूबर, 1992

का.आ. 2853.—केन्द्रीय सरकार सरकारी स्थान (अप्राधिकृत अधिभोगियों की वेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग 2 खंड 3, उपखंड (ii) तारीख 28 मई, 1977 के पृष्ठ 1916 से 1921 पर प्रकाशित भारत सरकार के तत्कालीन संचार मंत्रालय (डाक और तार बोर्ड) की अधिसूचना संख्या का.आ. 1576, तारीख 12 मई, 1977 का और संशोधन करती है, अर्थात् उक्त अधिसूचना की निम्नलिखित सरणी में:—

(क) क्रम संख्या 28, 49, 60 और 77 तथा उससे संबंधित प्रविष्टि के स्थान पर क्रमशः, निम्नलिखित क्रम संख्यांक और प्रविष्टियां रखी जाएंगी, अर्थात्:—

क्रम सं.	अधिकारी का पदाधिवान	सरकारी स्थान
(1)	(2)	(3)
28.	सहायक महा प्रबन्धक (योजना)	भ्रमण राज्य में कामरूप जिला
	मुख्य महा प्रबन्धक का कार्या-	को छोड़कर मुख्य महा प्रबन्धक
	लय भ्रमण दूर संचार क्षेत्र,	भ्रमण दूर संचार क्षेत्र प्रशास-

1	2	3
गुवाहाटी	निक नियंत्रण के प्रधीन स्थान	बाने स्थान
49.	सहायक महा प्रबन्धक (इंजी- मुख्य महा प्रबन्धक, तकनीकी और नियरी), मुख्य महा प्रबन्धक का विकास क्षेत्र, जबलपुर के कार्यालय, तकनीकी और विकास प्रशासनिक नियंत्रण के अधीन क्षेत्र, जबलपुर	जबलपुर शहर में स्थित स्थान
60.	प्रभागीय इंजीनियरी (पशासन) महा प्रबन्धक दूर संचार, बड़ौदा मुख्य महा प्रबन्धक दूर संचार का कार्यालय, बड़ौदा	जिला में स्थित स्थान
77.	दूर संचार जिला प्रबन्धक, गुवाहाटी	दूर संचार जिला प्रबन्धक गुवाहाटी के प्रशासनिक नियंत्रण के अधीन कामरूप जिला में स्थित स्थान
(ख) क्रम संख्या 79 और उससे संबंधित प्रविष्टियों के पश्चात निम्नलिखित क्रम संख्या और उससे संबंधित प्रविष्टियां प्रस्तुत स्थापित की जाएंगी, अर्थात्:—		
80.	सहायक महा प्रबन्धक, (योजना) मुख्य महा प्रबन्धक का कार्यालय, उत्तर-पूर्व दूर संचार क्षेत्र, शिलांग	मुख्य महा प्रबन्धक, उत्तर पूर्व दूर संचार क्षेत्र के प्रशासनिक नियंत्रण के अधीन मेघालय, मणिपुर, अरुणाचल प्रदेश, नागालैंड त्रिपुरा राज्यों में स्थित परि-सर और गुवाहाटी में भंडार का स्थान।

[सं. 4-56/92-एन.बी.टी.]

जे.के. छाबड़ा, उप महा निदेशक

(एम. आर.)

फुट नोट: इसकी मुख्य अधिसूचना विनांक 12-5-77 के संख्या का.आ. 1576 द्वारा प्रकाशित की गई थी तथा इसमें निम्नलिखित द्वारा संशोधन किए गए:—

- विनांक 30-10-1978 का संख्या का.आ. 3574
- विनांक 14-11-1983 का संख्या का.आ. 4620
- विनांक 19-10-87 का संख्या का.आ. 3017

#### MINISTRY OF COMMUNICATIONS

(Department of Telecom)

New Delhi, the 26th October, 1992

S.O. 2853, —In exercise of the powers conferred by Section 3 of the Public Premises, (Eviction of unauthorised occupants) Act 1971 (40 of 1971), the Central Government hereby makes the following further amendments in the Notification of the Government of India in the erstwhile Ministry of Communications (Posts and Telegraphs Board), No. S.O. 1576 dated 12th May, 1977 published at pages 1916 to 1921 of the Gazette of India, Part II Section 3, Sub-Section (ii) dated the 28th May, 1977, namely:

In the Table below the said Notification:—

(a) for Serial Nos. 28, 49, 60 and 77 and the entries relating thereto, the following serial Nos. and entries shall respectively be substituted, namely:—

Sl. No.	Designation of the Officer	Public Premises
1	2	3
28.	Assistant General Manager (Planning),	Premises under the Administrative control of Chief



1	2
Chief of the Chief General Manager, Assam Telecom Circle, Gauhati.	General Manager, Assam Telecom Circle in the State of Assam except Kamrup District.
49. Assistant General Manager (Engineering), Office of the Chief General Manager, Technical & Development Circle, Jabalpur.	Premises under the Administrative control of the Chief General Manager, Technical & Development Circle, Jabalpur situated in the City of Jabalpur.
60. Divisional Engineer (Administration) Office of the General Manager Telecom, Baroda.	Premises under the Administrative control of the General Manager Telecom, Baroda, situated in the District of Baroda.
77. Telecom District Manager, Gauhati.	Premises under the Administrative control of Telecom District Manager, Gauhati in the District of Kamrup.
(b) After serial No. 79 and the entries relating thereto, the following serial numbers and entries relating thereto shall be inserted, namely:—	
80. Assistant General Manager (Planning), Office of the Chief General Manager, North East Telecom Circle, Shillong	Premises under the Administrative control of the Chief General Manager, North East Telecom Circle situated in the States of Meghalaya, Manipur, Mizoram, Arunachal Pradesh, Nagaland, Tripura and Stores Accommodation at Gauhati.

[No. 4-56/92 NB (T)]

J. K. CHHABRA, Dy. Director General (E.R.)

Foot Note: The Principal Notification was published vide No. S.O. 1576 dated 12-5-77 Amended by:

- (i) No. S.O. 3574 dated 30-10-1978
- (ii) No. S.O. 4620 dated 14-11-1983
- (iii) No. S.O. 3017 dated 19-10-1987.

### नागर विमानन मंत्रालय

(नागर विमानन विभाग)

नई दिल्ली, 16 अक्टूबर, 1992

का.आ. 2854ज.—बकि सीमा सुरक्षा बल का "बीच काफ्ट" सुपर किंग विमान बी.टी.ई.ओ.ए. 27-8-92 को दिल्ली हवाई अड्डे पर स्थानीय उड़ान भरने समय दिल्ली हवाई अड्डे के पास दुर्घटनाग्रस्त हो गया था जिसके परिणामस्वरूप विमान में एकमात्र सवार कैप्टन टी.एम. धासीवाल, महानिरीक्षक, सीमा-सुरक्षा बल की मृत्यु हो गई थी।

और जबकि केन्द्रीय सरकार को यह आवश्यक प्रतीत होता है कि एक जांच समिति द्वारा उक्त दुर्घटना की जांच की जाए।

अतः अब केन्द्रीय सरकार वायुयान नियम, 1937 के नियम 74 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए दुर्घटना की परिस्थितियों तथा दुर्घटना के संभावित कारण का पता लगाने के लिए एतद्वारा एका जांच समिति नियुक्त करती है जिसमें निम्नलिखित व्यक्ति होंगे:—

1. एअर कमांडोर आर.पी.एस. गारुडा, —अध्यक्ष

एअर-II, पूर्वी वायु कमांड,

शिलांग

2685 GI/92—5

2 श्री ए.के. गुप्ता

—सदस्य

उप निदेशक,  
ग्राहक सेवा ब्यूरो,  
नई दिल्ली।

3 श्री बी.के. चान्दना,

—सदस्य सचिव

निदेशक, हवाई सुरक्षा,  
दिल्ली क्षेत्र, नागर विमानन,  
महानिदेशालय,  
नई दिल्ली।

सीमा सुरक्षा बल, समिति को सचिवालय संबंधी और अन्य स्थानीय सहायता प्रदान करेगा।

जांच समिति 15 जनवरी, 1993 तक अपनी जांच पूरी करेगी और केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत करेगी।

जांच समिति का कार्यालय दिल्ली में स्थित होगा।

[मं. ए.बी-15013/8/92-एस एम बी]

बी.के. बनेर्जी, संयुक्त सचिव

### MINISTRY OF CIVIL AVIATION & TOURISM

(Department of Civil Aviation)

New Delhi, the 16th October, 1992

S.O. 2854.—Whereas a BSF "Beechcraft Super King" aircraft VT-EOA, while carrying out local flying at Delhi airport on 27-8-1992 was involved in an accident near Delhi airport resulting in the death of Capt. T. S. Dhaliwal, I.G. BSF, the sole occupant on board the aircraft.

And whereas, it appears necessary to Central Government that it is expedient to hold an inquiry into the said accident by a Committee of Inquiry.

Now, therefore, in exercise of the powers conferred by Rule 74 of the Aircraft Rules 1937, the Central Government hereby appoints a Committee of Inquiry composed of the following persons to determine the circumstances of the accident and the probable cause of the accident.

1. Air Cmde. R. P. S. Garcha, Air II, Eastern Air Command, Shillong ..Chairman
2. Shri A. K. Gupta, Dy. Director, I. B New Delhi ..Member
3. Shri V. K. Chanda, Director Air Safety, Delhi Region Directorate General of Civil Aviation, New Delhi. ..Member-Secretary

BSF may provide the secretarial and other local assistance to the Committee.

The Committee of Inquiry would complete its inquiry and submit its report to the Central Government by 15th January, 1993.

The Committee of Inquiry will be at Delhi.

[No. AV. 15013/8/92-SSV]

P. K. BANERJI, Jt. Secy.

### जल-भूतल परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 28 अक्टूबर, 1992

का.आ. 2855 गौरी श्रमिक (रोजगार का नियमन) नियमावली, 1962 के नियम 4 के उप नियम (1) के द्वितीय परन्तुक के माध्यम से गौरी श्रमिक (रोजगार का नियमन) अधिनियम, 1948 की धारा 5क की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा भारत सरकार, जल-भूतल परिवहन मंत्रालय (परिवहन पक्ष) को दिनांक 2 सितम्बर, 1988 की अधिसूचना संख्या

का. मा. 834(घ) में विस्तारित संशोधन करती है, यथावत्:—  
उक्त अधिसूचना में "गोदी" शब्दों का प्रतिनिधित्व करने वाले  
सदस्यों में कम संख्या 4 के समाने दो गई प्रविष्टि "श्री डी.के.  
शास्त्री" के स्थान पर प्रविष्टि "श्री डी.के. शर्मा" प्रतिस्थापित  
की जाएगी।

[एफ.स.एल.जी. 13014/3/90-यू.एस. (एल.)]

अशोक जोशी, संयुक्त सचिव

## MINISTRY OF SURFACE TRANSPORT

(Transport Wing)

New Delhi, the 28th October, 1992

S.O. 2855.—In exercise of the powers conferred by sub-section (3) of Section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) read with second proviso to sub-rule (1) of Rule 4 of the Dock Workers (Regulation of Employment) Rules, 1962, the Central Government hereby makes the following amendment to the notification of the Government of India in the Ministry of Surface Transport (Transport Wing), No. S.O. 834(E) dated 2nd September, 1988 namely:—

In the said notification under the heading "Members representing the Dock Workers, against Sl. No. 4, for the entry "Shri D. V. K. Sastry", the entry "Shri D. K. Sharma" shall be substituted.

[F. No. LB-13014/3/90-US(L)]

ASHOK JOSHI, Jt. Secy.

### श्रम मंत्रालय

नई दिल्ली, 16 अक्टूबर, 1992

का.मा. 2855—यन: मैमर्स नेशनल मिनेरल डिवलपमेंट कारपोरेशन प्रा.मूखधरामजाही रोड, पोस्ट बाक्स नं. 195 हैदराबाद-500001 (इसके आगे अहाँ कहीं भी उक्त स्थापना शब्द का प्रयोग हो इससे अभिप्राय उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) इसके आगे उक्त अधिनियम के नाम से निर्दिष्ट) को धारा 17 की उधारा (1) के खंड (क) के अंतर्गत छूट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों में अंशदान की दर उक्त अधिनियम की धारा 3 में उल्लिखित कर्मचारी अंशदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि नाम उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके आगे अहाँ कहीं भी स्कीम शब्द का प्रयोग किया गया है उक्त अभिप्राय उक्त स्कीम से है) में उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो इस वर्ग की स्थापनाओं में कायंरत कर्मचारियों को उपलब्ध है।

अब इसलिए उक्त अधिनियम की धारा 17 की उधारा एक के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संलग्न अनुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के समी उपायों के लागू होने से छूट प्रदान करती है।

### अनुसूची

उक्त स्थापना से संबंधित नियोजता केन्द्र सरकार के द्वारा समय समय पर दिए गए निर्देश के अनुसार उक्त अधिनियम की धारा 17 की उधारा (3) (ख) में उल्लिखित निरीक्षण के लिए भुविवाएं प्रदान करेगा और ऐसे निरीक्षण प्रदान की अंशदानी प्रत्येक माह की समाप्ति के 15 दिनों के अन्दर करेगा।

2. छूट प्राप्त स्थापनाओं के संबंध में उक्त अधिनियम और उनके अधीन मुजित उक्त स्कीम के अंतर्गत देय अंशदान की दर में स्थापना के भविष्य निधि नियमों के अंतर्गत देय अंशदान की दर किसी समय भी कम न होगी।

3. पेशगियों के मामले में छूट प्राप्त स्थापना का स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के वर्तमान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा: उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन, क्षेत्रीय भविष्य निधि आयुक्त की पूर्व अनुमति के बिना नहीं किया जाएगा और जहाँ किमा संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिफल प्रभाव होने की संभावना है वहाँ अथवा अनुमति देने से पूर्व, क्षेत्रीय भविष्य निधि आयुक्त कर्मचारियों को अपने विचार प्रस्तुत करने को उचित अवसर देगा।

5. यदि स्थापना को छूट न दी जाती तो वे समी कर्मचारी (जो उक्त अधिनियम की धारा 2(च) में निर्दिष्ट किया गया है जो सदस्य बनने के पात्र होते, सदस्य बनाए जाएंगे।

6. जहाँ एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) में किसी अन्य छूट-प्राप्त स्थापना का पहले से सदस्य है, को अथवा स्थापना में काम पर लगाना जाता है तो नियोजता उक्त निधि का शुद्ध सदस्य बनाएगा और ऐसे कर्मचारी के पिछले नियोजता के पास भविष्य निधि लेख में संघों की अंतर्गत कराने और उसके लेख में जमा कराने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसा भी मामला हो तत्काल-तम पर दिए गए निर्देशों के अनुसार भविष्य निधि के प्रवन्ध के लिए नियोजता स्कीम बोर्ड को स्थापना करेगा।

8. भविष्य निधि, स्कीम बोर्ड में निर्दिष्ट होगा जो अपने बातों के होते हुए भविष्य निधि में आय के उचित निवेश और भविष्य निधि से अंशदानों और उनकी अंशरक्षा में शेषों के लिए भविष्य निधि संगठन के उत्तरदायी होगा।

9. स्कीम बोर्ड कम से कम 3 माह में एक बार बैठक करेगी और केन्द्र सरकार द्वारा समय-समय पर जारी किए गए मार्ग निर्देशों के अनुसार कार्य करेगी। केन्द्रीय भविष्य निधि आयुक्त को अधिकार होगा कि वह किसी अन्य योग्य लेखा परीक्षक से खातों को दुबारा लेखा परीक्षा कराए और ऐसे पुनः लेखा परीक्षा के खर्च नियोजता वहन करेगा।

10. स्कीम बोर्ड द्वारा रखे गए भविष्य निधि लेख अर्द्धता प्राप्त निष्पक्ष चाटई अकाउण्टेंट द्वारा वार्षिक लेखा परीक्षा के आवाधीन होंगे। जहाँ आवश्यक समझा जाए, केन्द्रीय भविष्य निधि आयुक्त की किसी अन्य अर्द्धता प्राप्त लेखा परीक्षा द्वारा लेखों की पुनः लेखा परीक्षा कराने का अधिकार होगा और इस पर हुमा व्यय नियोजता द्वारा वहन किया जाएगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलन-पत्र के साथ लेखा परीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छः माह के अन्दर केन्द्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी। इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12. नियोजता प्रतिमाह भविष्य निधि के देय अथवा कर्मचारियों के अंशदानों को प्रागामी माह की 15 तारीख तक स्कीम बोर्ड की अंतर्गत कर देगा। अंशदानों की विलम्ब से अंशदानी करने के लिए समान परिस्थितियों में नियोजता मुश्किल देने का उभी प्रकार उत्तरदायी होगा जिस प्रकार एक न छूट प्राप्त स्थापना उत्तरदायी होती।

13. न्यासी बोर्ड सरकार द्वारा समय-समय पर दिए गए निर्देशों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिभूतियाँ न्यासी बोर्ड के नाम पर प्राप्त की जाएगी और भारतीय रिजर्व बैंक के जमा नियन्त्रण में अनुमोदित बैंक की प्रतिरक्षा में रखा जाएगा।

14. सरकार के निर्देशों के अनुसार निवेश न करने पर न्यासी बोर्ड प्रलग्न प्रलग्न रूप से और एक साथ केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रभार का उत्तरदायी होगा।

15. न्यासी बोर्ड एक वस्तु व्योरा रजिस्टर तैयार करेगा और व्याज और बचत आय की समय-समय पर वस्तुी सुनिश्चित करेगा।

16. जमा किए गए अंशदानों का निवेश और प्रत्येक कर्मचारी से संबंधित भ्याज की दिशाओं के लिए न्यासी बोर्ड विस्तृत लेख तैयार करेगा।

17. वित्तीय/लेखा वर्ष की समाप्ति को 1 मार्च के अन्तर्गत बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जारी करेगा।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थापन पर पास बुक जारी कर सकता है। ये पास बुक कर्मचारियों की प्रतिरक्षा में रहेंगी और कर्मचारियों के प्रस्तुतीकरण पर बोर्ड के द्वारा हर्ष अवधान किया जाएगा।

19. लेखा वर्ष के पहले दिन भावि वर्ष पर प्रत्येक कर्मचारी के लेखों में भ्याज उस दर से जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करे परन्तु यह उक्त स्कीम के पैरा 60 के अंतर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा।

20. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित व्याज की दर इस कारण से कि निवेश पर आय कम है या किसी अन्य कारण से अदा करने में असमर्थ है तो इस कमी को नियोक्ता पूरा करेगा।

21. नियोक्ता भविष्य निधि की चोरी के कारण, लूटछोट, ब्याजगत गलत प्रथा किसी अन्य कारण से हुई हानि को पूरा करेगा।

22. नियोक्ता और न्यासी बोर्ड केन्द्रीय भविष्य निधि आयुक्त को ऐसी विवरणियाँ प्रस्तुत करेगा जो समय-समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करें।

23. उक्त स्कीम के पैरा 69 की शर्तों पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोक्ताओं के अंशदानों को जमा करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार जमा की गई राशियों का प्रलग्न से लेखा तैयार करेगा और उसे ऐसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त की पूर्ण अनुमति से सुनिश्चित किया गया हो।

24. स्थापना के भविष्य निधि नियमों में निश्चित किसी बात के होते हुए भी यदि किसी व्यक्ति की सेवा नियुक्ति होने के फलस्वरूप या किसी अन्य प्रतिष्ठान में नौकरी करने पर निधि की आवश्यकता समाप्त हो जाती है या पता लगता है कि प्रतिष्ठान भविष्य निधि नियमों के अंतर्गत अंशदान की दर समग्रहण की दर आदि संविधिक योजना के अंतर्गत भी गई दरों की तुलना में कम अनुकूल है तो अंतर का वहन नियोक्ता द्वारा किया जायेगा।

25. नियोक्ता, भविष्य निधि के प्रशासन से संबंधित सभी कार्य जिसमें लेखों के रखरखाव रिटर्न प्रस्तुत किए जाने राशियों का प्रस्तुत शामिल है, वहन करेगा।

26. नियोक्ता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है, उसकी मुख्य बातों को कर्मचारियों के बहुमत की भाषा में तय करके स्थापना के बोर्ड पर जायेगा।

27. "समुचित सरकार" स्थापना की शालू छूट पर और शर्त लगा सकती है।

28. यदि उक्त अधिनियम के अंतर्गत स्थापना बने जिसमें उसकी स्थापना आती है, पर अंशदान की दर बढ़ाई जाती है, नियोक्ता भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अंतर्गत दिए जाने वाले लाभ से स्थापना की स्कीम के अंतर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार कम न हों।

29. उक्त बातों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है।

[सं० एस०-35015/2/92-एस०एस०-II]

जे० पी० शुक्ला, अवर सचिव

## MINISTRY OF LABOUR

New Delhi, the 16th October, 1992

S.O. 2856.—Whereas Messrs National Mineral Development Corporation Limited Mukluwramjahi Road, Post Box No. [105 Hyderabad. (herein after referred to as the said establishment has applied for exemption under clause (a) of sub-section (1) of Section [17 of the employees' provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1052) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

## THE SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the un-exempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. No amendment of the rule of the Provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their points of view.

5. All employees (as defined in section 2 of the said Act), who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees Provident fund (Statutory) or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the Provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The Provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the Provident Fund and the balances in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or any officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified—independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of

the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an un-exempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The Securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a script wise register and ensure timely realisation of interest and ensure timely realisation of interest and redemption proceeds.

16. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial accounting year.

18. The Board may, instead of the annual statement of accounts, issue Passbooks to every employee. These pass books shall remain in the custody of the employee and will be brought up to date by the Board on presentation by the employee.

19. The account of each employee shall be credited with interest calculated on their opening balance as on the 1st day of the accounting year at such rate as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason then the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund

due to theft, burglary, defalcation, mis-appropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/ Central Provident Fund Commissioner may be prescribed from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employees contributions in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account on the amounts so forfeited and may utilise the same for such purpose be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding anything contained in the Provident Fund Rules of the establishment, if on the cessation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution, rate of forfeiture etc., under the P.F. Rules of the establishment are less favourable as compared to these under the statutory Scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employees shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption as liable to be cancelled for violation of any of the above conditions.

[No. S-35015/2/92-SS-II]  
J.P. SHUKLA, Under Secy.

नई दिल्ली, 16 अक्टूबर, 1992

का.प्र. 2857.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के धारा 17 के अनुसरण में केन्द्रीय सरकार न्यू बैंक ऑफ इंडिया के पंजीकृत के संबद्ध नियोजकों और उनके कर्मचारों के बीच अद्युत्थ में विवाद औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

[संख्या एन-12012/326/80-डी-2 (ए)]

वी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 16th October, 1992

S.O. 2857.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in Annexure in the Industrial Dispute between the employers in relation to the Mgt. of New Bank of India and their workmen, which was received by the Central Government.

[No. L-12012/326/80-D.II(A)]

V. K. VENUGOPALAN, Desk Officer

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING  
OFFICER - CENTRAL GOVT. INDUSTRIAL TRIBUNAL  
NEW DELHI

I. D. No. 110/81

In the matter of dispute between -

Shri Gopal Vasudeva, r/o C-276, Minto Road, New Delhi.

VERSUS

The General Manager, New Bank of India, Tolstoy Marg, New Delhi.

#### APPEARANCES

Shri Anant Ram for the workman.

Shri N. C. Sikri, Sr. Advocate with Shri V. K. Rao, Advocate for Management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/326/80-D.II.A. dated 1st August, 1981 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of New Bank of India in relation to the Branch office at Ghaziabad in dismissing from service Shri Gopal Vasudeva, Clerk with effect from 16-11-79 is justified? If not, to what relief is the workman concerned entitled?"

2. The case of Shri G. K. Vasudeva (hereinafter referred to as the 'workman') is :-

(a) That he joined the services with the bank on 5-1-77 as a Clerk. At the time he was chargesheeted, he was posted with Branch Office-Ghaziabad of the Bank.

(b) That he was placed under suspension by the bank vide its letter No. EST/16274.

(c) That a departmental enquiry was conducted by the bank while posted in Branch Office Ghaziabad pursuant to the three charge-sheets issued viz —

(i) EST/13695 dt. 10-6-79

(ii) EST/30400 dt. 4-4-1973; and

(iii) EST/1711 dt. 24-4-74

(d) That pursuant to the findings of the E.O., as submitted to the Bank on 7-4-79, the bank issued to workman a show cause notice vide its memorandum dated 4-6-79 and finally he was dismissed from the employment of the bank vide bank Memorandum dt. 16-11-79. The workman has further pleaded that his dismissal from the employment of the bank is illegal, unlawful, malafide and contrary and/or violative of the terms and conditions of service, against the principle of natural justice. That the enquiry proceedings are vitiated as the enquiry officer conducting the proceedings was biased and prejudiced against the workman. That the Enquiry Officer proceeded on the basis as if the workman was guilty of the alleged charges, during the course of enquiry proceedings and that the dismissal of the workman from service is bad in law and is liable to be set-aside amongst other on the grounds:

- (i) That the enquiry officer was prejudiced, biased and acted on a Disciplinary Authority.
- (ii) That the enquiry is incomplete and inconclusive.
- (iii) That his past record and defence has not been considered before dismissing him from the service.
- (iv) That in the chain of the above contentions, the workman has further contended that the appeal preferred by him to the Chairman of the Bank have been dismissed by the Appellate Authority summarily without application of mind and that the dismissal of workman is liable to be quashed and the workman is entitled to reinstatement with full back wages and other benefits.

It is relevant to state that the above contentions have been taken by the workman pursuant to the amendment of his statement of claim dt. 26-7-85, pursuant to the amendment as such allowed by my predecessor, the original statement of claim filed by the workman was dt. 3-9-91.

3. (a) That the bank has refuted the amended statement of claim vide its detailed written statement dt. 28-5-86 by raising certain preliminary objections in respect of reference with the main contentions that the reference as made is without application of mind. On merits, the bank, while refuting the statement of claim of the workman, has contended that the workman was appointed in July, 1971 and not in January, 1971 and that he was on probation initially for six months and thereafter he was confirmed after completion of probation period.

(b) That he was initially posted at Kanpur Branch and thereafter at his request transferred to Branch Office-Ghaziabad, though at both the places i.e. at Kanpur and Ghaziabad, the workman has committed serious misconducts amounting to fraud, misappropriation involving amongst other moral turpitude, as he misused/abused his status and position because of his employment in the bank and failed to perform his duty diligently as well. The Bank has also reiterated the facts as stated in the captioned 'introductory'. The bank has further emphasised that 3 charge-sheets issued to the workman in respect of misconducts are dt. 16-6-73, 4-10-74 (and not 4-4-73 and 24-4-74). The details of charges in respect of each charge-sheet, as given by the bank are as under :—

(i) In Re. charge-sheet dt. 16-6-1973.

In this charge-sheet, the bank levelled the following charges :—

- "(1) For cheating the bank and/or causing wrongful loss to the Bank, by fabricating and/or tampering with the bank record by virtue of your being employed in the bank at its Kanpur Office, among others, by destroying and/or falsifying the documents and accounts relating to C.B.C. no. 201 dt. 18-3-72 for Rs. 500/- on the State Bank of India, Ferozpur, deposited by M/s. Somani Steel Ltd. and causing wrongful gain to Mr. Baboo Sharif by fraudulent means as detailed above.
- (2) For committing great negligence and/or negligence by wrongful debit of Rs. 603.87 in the account of M/s. Hiram Nand Chait Ram instead of M/s. Poonam Electricals on 1-7-71 by means of a cheque no. 020237 dt. 29-6-71 (reference as detailed above

and stated in the bank's communication no. EST/11035 dt. 4-5-73.

- (3) For wilful damage and/or attempt to cause damage to the property of the bank/or its constituents.
- (4) For acting prejudicially to the interest of the bank involving the bank into serious loss.
- (5) For commission of acts involving moral turpitude.
- (6) For loss of confidence.
- (7) For gross negligence and/or negligence involving and/or likely to involve the bank into serious loss.
- (8) For disobeying lawful and/or reasonable orders of the management and/or of the superiors.
- (9) For absence without leave and/or over staying the sanctioned leave without sufficient grounds.
- (10) For unseemly and/or insolent attitude towards the officers of the bank.
- (11) For committing acts prejudicial to the interest of the bank adversely affecting the reputation of the Bank.

In Re. : Charge sheet dated 4-10-1973

- (1) For committing defalcation in the sum of Rs. 200 in the S. B. A/C No. 487 of Smt. Champa Vati by sheer misrepresentation and for that purpose using one Shri Anoop Vohra as an instrument in furtherance of your above-said illegal acts.
- (2) For misusing your office and status by virtue of your employment at Ghaziabad Branch of Bank in furtherance of committing the above said fraud of Rs. 200/-.
- (3) for loss of confidence.
- (4) for baseness of character; and
- (5) for doing acts prejudicial to the interest of the bank.

In Re. : Charge-sheet dt. 24-4-76

- (i) For incurring debits to an extent considered by the management as excessive.
- (ii) For cheating through deceitful means.
- (iii) For acts prejudicial to the interest of Bank.
- (c) That pursuant to the explanation given by the workman to the charge-sheet, having been adjudged unsatisfactory, the workman was suspended pending enquiry and Mr. J. Sethi, the then very Sr. Officer (now G. M. of the Bank) was appointed as Enquiry Officer. The enquiry was conducted in conformity with provisions of Bipartite Settlement dt. 19-10-66 as modified by Bank Awards and that the principles of natural justice were observed to the hilt by giving the workman all responsible opportunities despite the workman fraudulently seeking adjournments or staying away from the enquiry, inter alia by—

-- recalling the bank witness for his cross-examination and that in furtherance of the principle of natural justice, the workman was furnished the copies of the enquiry proceedings.

The contention of the bank being that, in fact, the workman has been attending the enquiry at his leisure and pleasure and, in fact, he misused the leniency of the enquiry officers. In this way he was the instrument in delaying the enquiry. The enquiry was ultimately completed and the enquiry officer submitted his detailed findings dt. 7-4-79 by making the following pertinent observations :

"The delinquent employee having been found guilty of serious charges namely—fabrication, tampering with the record of the bank, defrauding the bank/its constituents both at Kanpur and at Ghaziabad by virtue of his employment in the bank and of the various other charges detailed above, floating from the aforesaid serious charges of fabrication tampering and committing fraud on the Bank/

its constituents, I feel that the delinquent employee is not fit to be remain in the service of the Bank. I, therefore, propose that he may be suitably punished by dismissal from the service of the Bank."

- (d) The Disciplinary Authority, the then General Manager of the Bank after application of mind, issued a show-cause notice dt. 4-6-79 with the following pertinent observations—

"I have gone through the whole case and have accepted the findings of the enquiry officer holding Shri Gopal Krishan Vasudeva guilty of the charges mentioned in the aforesaid charge-sheets.

In the circumstances, Shri Gopal Krishan Vasudeva is hereby called upon to show-cause as to why he should not be dismissed without notice from the employment of the Bank. His explanation to the above proposed punishment must reach the undersigned within seven days from the receipt hereof, failing which it shall be inferred that Shri Gopal Krishna Vasudeva has nothing to say in the matter and as copts the proposed punishment,

In case Shri Vasudeva wants to be heard personally in respect of the aforesaid proposed punishment, he may call on the undersigned on 15-6-79 at 11.00 A.M. in the office at—

Atma Ram House, 1 Tolstoy Marg, 4th Floor, New Delhi-110001."

- (d) That the workman sought adjournment to the show-cause notice and ultimately on 10-9-79 he filed his reply dt. 10-9-79 to the show-cause notice dated 4-6-79, when the punishing authority in the high rank of General Manager inflicted the punishment of dismissal vide its registered communication dt. 16-11-79 with the following observations :—

"I have carefully gone through the entire case of Shri Vasudeva. He has failed to make-out a case warranting any leniency/change in the punishment proposed in the aforesaid memorandum dated 4-6-1979. Accordingly, Shri Vasudeva is hereby dismissed without notice from the employment of the Bank forthwith."

- (e) The Bank has further contended that in terms of provisions of the Bipartite Settlement, the workman also provided the opportunity by the Appellate Authority pursuant to the right of appeal as exercised by him to the Appellate Authority in the top rank of Chairman heard the case, of course rejecting the case of the workman to be represented by a lawyer on the plea that in conformity with the spirit of Bipartite Settlement dt. 19-10-66 with an added remark that he should be represented by a representative of Trade Union in conformity with the provisions of Bipartite Settlement dt. 19-10-66. The workman appeared before the Appellate Authority i.e. the then Chairman of the Bank on 4-2-80 and requested for deciding his case on the basis of written submissions. The appellate authority reserved its decision and on 1-3-80 the appellate authority communicated that his appeal has been dismissed by making the following observations :—

"I have gone through the whole case and am of the considered opinion that the facts and circumstances of the case do not warrant any interference with the decision of the Punishing Authority above mentioned. Accordingly, the appeal of Shri Vasudeva is hereby dismissed."

- (f) That as per detailed pleadings/submissions of the Bank, case of the bank is that the enquiry has been conducted by the Enquiry Officer fairly and properly. The workman had been given all reasonable opportunity and even witnesses of the bank which had been examined ex-parte because of the non-participation/absence of workman, were recalled and the workman was provided opportunity

to cross examine the same, and in fact, he cross-examined the some of witnesses, although the management had produced all the witnesses whose evidence were recorded ex-parte, of course by providing the copies of enquiry proceedings to workman in this behalf in furtherance of the principles of natural justice.

4. The pursuance to the aforesaid pleadings of the parties, the parties led their evidence and the bank has also at the time of evidence (at a later stage) filed its original documents (which according to the bank were previously misplaced). On the pleadings of the parties, the following issues were framed :

1. What is the effect of the take-over of the New Bank of India Limited by the Central Government under the Banking Companies (Acquisition of Transfer and Undertaking) Act ?
2. Whether the enquiry conducted against the workman was fair and proper.
3. As in order of reference.

5. That in brief and with an emphasis, the case of the Bank is that the charges levelled against the workman are very grave and serious in nature which have been duly proved in the departmental enquiry by the detailed findings of E. O. running in few pages. The disciplinary Authority in the high rank of General Manager, after due opportunity to the workman inflicted the punishment accepting the findings of E. O. and that the appellate of the top rank of Chairman has also uphold the punishment based upon findings of facts and duly supported by record and the misconducts committed by workman are so serious involving fraud, misuse/abuse of power, an employee, which no institution, much less credit institution which is sensitive industry can no longer keep any employee who had hardly worked for two years in the employment in the circumstances of the case.

6. The first issue in respect of nationalisation and take-over of the bank is a legal one. The only basic feature is that the bank alongwith other banks were taken-over by the Central Government w.e.f. 1-4-80 and that the service conditions were prevailing in the bank had acquired the statutory status by virtue of Act of Take-over entitled-Banking Companies (Acquisition & Transfer of Undertakings) Act (Act No. V of 1980), which is not in dispute.

7. That the bank in support of the case filed detailed affidavit of Mr. Sarwan Singh, who was well-acquainted with the case and was representing the case right from conciliation proceeding and also in the inquiry proceedings. He was duly cross-examined at length and even was recalled at the request of the workman representative and further cross-examined. Significantly, the workman did not chose to come in the witness box in his defence and rested his claim mainly on the contention that he was not provided reasonable opportunity as he was denied his alleged right to be represented by a lawyer.

8. On the other hand, the case of the bank is that as per the provisions of Bipartite Settlement dt. 19-10-66, which has acquired statutory status, pursuant to the nationalisation/take-over of the Bank, that he should be represented by a representative of registered Trade Union in respect whereof he was provided opportunity time and again, but he chose to cross-examine the witnesses himself and also led his defence in the inquiry by producing his witness which have been duly dealt with by the enquiry officer in his detailed findings, and according to which the workman has been found guilty, which findings have been accepted by disciplinary authority by providing opportunity to the workman and ultimately upheld by the Appellate Authority as discussed above.

9. The parties in support of submission also filed written arguments and the reply thereto. The only exception taken by the workman is that he was not provided to be represented by Advocate. The bank has refuted this contention equally with vehemence firstly on the ground that as per the Bipartite Settlement dt. 19-10-66 (as modified by Bank awards) which has acquired the statutory status, represen-

tation through an Advocate is not mandatory and that the nature of the charges levelled against the workman pertain to the area of Banking Practice & Procedure, of which the workman must effectively chosen to cross-examine the bank witness and led his evidence as well, as is evident from the record of proceedings/detailed findings of inquiry officer. The Bank has also submitted that even otherwise, the representative through Advocate does not form part of the natural justice as held by the Hon'ble Supreme Court in the case entitled—Maharashtra State Board of Secondary and Higher Secondary Education Vs. K. S. Gandhi & Another reported in 1991 (2) JT (SC) 296, wherein it has been held that non-representation through Advocate of a delinquent person in the inquiry does not amount to denial of principles of natural justice.

Further, it is also not in dispute that the workman was—

- (i) given the copy of the enquiry proceedings day-to-day.
- (ii) even when he absented/obtained from the proceedings, his request for cross-examination of witnesses was acceded to and the witness were recalled back and he was allowed to cross-examine the same.
- (iii) The Disciplinary authority in the status of General Manager applied his mind before giving punishment. The appellate authority of the status of Chairman of Bank also provided him the opportunity of hearing before it confirmed the decision of disciplinary authority after due application of mind.
- (iv) That the fraud as committed by the workman is duly proved in the departmental enquiry as well coupled with admission on his part. Thus, the action on the part of the bank is fully justified as per the verdict of the Hon'ble Supreme Court in AIR 1989 SC 1185. Further I am of the view that the charge do not involve the assistance of a legal practitioner as they are based upon documentary evidence and these documents have been filed by the Bank which are on record of the Tribunal, besides other records, the copies were duly furnished to workman in the enquiry.

10. The case of the Bank is that the two charges of misappropriation of Rs. 200/- in the case of S.B. A/C No. at Ghazibad Branch and that of Rs. 500/- by abuse of workman status/position at Kanpur Branch by the device of crediting to a wrong account and thereafter taking the illegal gain from the said customer, are themselves sufficient to justify the action of the bank. In support of the above contentions, the bank besides detailed written submissions has led much emphasis on the judgment of Hon'ble Supreme Court in the case of J. D. Jais Vs. Management of State Bank of India & Anr. upholding the D. B. judgment of Delhi High Court reported in 1979 LIC 1041 and reiterating the principles as laid down by the Hon'ble Supreme Court in the case of State of Barwana & Anr. Vs. Rattan Singh reported in 1982 (1) LLJ 44. To quote—

"It is well settled that in a domestic enquiry, the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are admissible. There is no allowance to hearsay evidence provided it has reasonable nexus credibility."

11. I have carefully perused the detailed pleadings of the parties, duly supported by record of enquiry and submissions as discussed above, and am of the view that the bank has conducted the enquiry fairly by providing all reasonable opportunity to the workman. The request of the workman for being represented by Advocate also loses its weight when undisputedly, the workman has himself cross-examined the bank witness at his will and even the bank had recalled the witness that had been examined ex-parte, because of the non-appearance of workman, in order to provide reasonable opportunity in this behalf as well. The enquiry has been conducted by a very senior officer of the Bank. The Disciplinary Authority of the high rank of General Manager had agreed with the findings of the Enquiry Officer

applying his independent mind on the facts and circumstances of the case and has inflicted the punishment of dismissal from employment with reference to the record inclusive of past record, as distinctly dealt with in the findings of the enquiry officer and, thereafter considered by the disciplinary authority. The appellate authority of the highest rank in the hierarchy of the Bank management i.e. Chairman has considered the submissions of the workman and rejected after applying his mind. Thus, the workman has been provided all reasonable and fair opportunity in conformity with service conditions. The workman has not been able to satisfy as to how he has been prejudiced by non-representation through Advocate, in face of the admitted position that he had himself been representing his case as well. The workman has also not chosen to appear as witness in the proceedings before the Tribunal but for the more contentions in pleadings, which further strengthen the case of bank duly supported by documentary evidence as discussed hereinabove. I agree with the contentions of the bank that if even one charge out of the charges levelled by the management is established, which justify the case of the bank management, then the Tribunal cannot sit over the judgment of the employer unless the punishment is harsh or severe. The very fact that in view of my above findings that the charge of fraud stand unquestionable proved in the enquiry as upheld upto the level of appellate authority. I do not agree with the contentions of the workman that the punishment of dismissal from employment as inflicted upon him is either harsh or disproportionate. As per well settled Law, in fact I cannot sit over the judgment of the Bank on this ground as well as the case, as it stands is duly supported by record and evidence. On careful perusal of the contentions raised by the parties, the action of the bank in dismissing services of Mr. G. K. Vasudeva, workman from its employment is valid proper, justified in the circumstances of the case and does not want any interference by me as an adjudicator. Mr. Vasudeva is not entitled to any relief in the circumstances and the parties are left to bear their own costs.

20th July, 1992.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 19 अक्टूबर, 1992

का.प्रा. 2858.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ग्राफ बड़ोदा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण भुवनेश्वर के पंचपट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 16-10-92 को प्राप्त हुआ था।

[संख्या एल-12012/379/89-ई-IIए]]

बी.के. वेणुगोपालन, डैस्क अधिकारी

New Delhi, the 19th October, 1992

S.O. 2858.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the mgmt. of Bank of Baroda and their workmen, which was received by the Central Government on 16-10-92.

[No. I-12012/379/89 D.II (A)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT

Sri R. K. Dash, U.B.,  
Presiding Officer,  
Industrial Tribunal,  
Orissa, Bhubaneswar.

Industrial Dispute case No. 13 of 1990 (Central)  
Dated, Bhubaneswar, the 30th September, 1992



## BETWEEN :

The Management of Bank of Baroda, Sector-19, Branch, Rourkela-769 005. ...First Party-management.

## AND

Their workman Sri Subashish Mitra, represented through Orissa Bank of Baroda Employees' Union, C/o. Bank of Baroda, Sector-19 Branch, Rourkela. ...Second Party-workman.

## APPEARANCES :

Sri L. N. Basak, Manager (Personnel).—For the first party-management.

Sri S. K. Das, President of the Union.—For the second party-workman.

## AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon it by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), (hereinafter referred to as the 'Act') have referred the following dispute for adjudication by this Tribunal vide their Order No. L-12012[379]89-D.II-A dated 4th April, 1990 :—

"Whether the action of the management of Bank of Baroda, Rourkela Branch in abolishing Asst. Head Cashier post at Rourkela Branch w.e.f. 1-5-89 and withdrawing the special allowance for teller from Sri Subashish Mitra w.e.f. 1-5-89 is lawful and justified? If not, to what relief the workman (Sri Subashish Mitra) is entitled to?"

2. The case of the workman may succinctly be stated as follows :—

The Bank of Baroda has its branch office at Rourkela. In 1984 the management created an Asst. Head Cashier post and allotted duty to Sri J. N. Acharya and paid him special allowance keeping in view the criteria laid down in para-3 of the memorandum of settlement dated 18-3-84 arrived at between the management and All India Bank of Baroda Employees' Federation. Subsequently, teller system was introduced since 24-1-89 and the duty of teller was entrusted to the aggrieved workman Sri Subashish Mitra and for his doing extra work he was being paid Rs. 164 as allowance per month. After introduction of teller system the management abolished the Asst. Head Cashier post and teller's duty was assigned to Sri Acharya he being senior to the present workman Sri Mitra. It is, therefore, urged that when more than five clerks were attached to the accounts section the management committed illegality in abolishing the post of Asst. Head Cashier in violation of the terms of settlement referred to above.

3. On the other hand, the management has pleaded inter-alia that though it created a post of Asst. Head Cashier at Rourkela branch and allotted duty to Sri J. N. Acharya but subsequently it withdrew the same when it was found that the branch is not entitled for creation and continuance of the post of Asst. Head Cashier in terms of the settlement referred to by the workman. However, while discontinuing the aforesaid post the management introduced teller system and allotted addition duty of teller to the present workman on temporary basis. Subsequently, the said duty was assigned to Sri Acharya as he was senior to Sri Mitra. In the aforesaid post the management introduced teller system action in abolishing the post of Asst. Head Cashier and then withdrawing the special allowance of teller from Sri Mitra is legal and justified.

4. On the basis of the pleadings of the parties, the following issues are settled :—

## ISSUES

1. If the first party-management is justified in abolishing the post of Asst. Head Cashier w.e.f. 1-5-89 in its Rourkela Branch?

2. If the action of the first party-management in withdrawing the Special allowance known as Teller allowance to Sri S. Mitra w.e.f. 1-5-89 is justified?

3. To what relief, if any, the second party-workman is entitled?

## 5. ISSUE No. 1

Ext. 1, the memorandum of settlement entered into between the management of Bank of Baroda and All India Bank of Baroda Employees' Federation provides the criteria for assigning the duties of Asst. Head Cashier and for payment of special allowance thereof. It was agreed upon that the Asst. Head Cashier's allowance shall be sanctioned in the branches where there are five or more cash clerks and there is no Asst. Head Cashier at such branch. It also provides that for computing the number of cash clerks, cash clerks working with combined with designation in cash department and MAS/GVK cash collectors are to be treated as cash clerks. As to who would be entitled to Asst. Head Cashier's allowance, clause-3.5 of the settlement envisages that the senior most confirmed cash clerk shall be given such allowance.

6. Both parties have led oral evidence as to the number of cash clerks working in the Branch at the relevant time when the post of Asst. Head Cashier was abolished and the special allowance was withdrawn.

M.W.2, the Branch Manager of the Bank speaks that by 1-5-89 there were five cash clerks excluding the Head Clerks working in the branch. On the other hand, the workman would say that up to 1989 the total strength of cash clerks was five and thereafter it went up to six. In a peculiar case of this nature, when the workman wants to take benefit of the settlement Ext. 1 he would have led acceptable evidence naming the cash clerks working at the relevant time. Had such evidence been led it would have facilitated this Tribunal to give a finding in his favour keeping in view the terms of settlement Ext. 1. That having not been done and there having no material to doubt the veracity of the management's witness No. 2, I would hold that the action of the management in abolishing the post of Asst. Head Cashier w.e.f. 1-5-89 in the Rourkela Branch is legal and justified.

## 7. ISSUE No. 2

Subsequently to the creation of Asst. Head Cashier post the management created a post of Teller and allotted additional duty for doing work in the said post to the present workman Sri Mitra and paid him special allowance but after the post of Asst. Head Cashier was abolished the management withdrew the benefit of teller allowance from the present workman and assigned the teller's duty to Sri Acharya, he being the senior most clerk. Now, the question arises whether the management was right in withdrawing the financial benefit given to Sri Mitra without giving him a notice u/s 9-A of the Act.

It is provided under the aforesaid provision of law that no employer shall effect any change in conditions of service applicable to a workman in respect of any matter specified in schedule-IV without giving the concerned workman to be affected by such change, a notice in the manner prescribed. However, such notice is not necessary where the change to be effected is based on a settlement or award or where the workman likely to be affected by such change is a person to whom different service rules and regulations are applied. Schedule-IV appended to the Act provides as to what would include the conditions of service for change of which notice has to be given to a workman. It envisages that if the management intends to change wages including the period and mode of payment it shall give a notice to the workman to be affected by such change. 'Wages' defined in Section 2(r) of the Act means, all remunerations capable of being expressed in terms of money payable to a workman in respect of his employment or of work done in such employment and includes such allowance (including dearness allowance) as the workman for the time being is entitled to the value of house accommodation, or of supply

of light, water medical attendant or other amenities or any service or any concessional supply of foodgrains or other articles and travelling concession.

In the present case, the workman was allowed special allowance for doing extra work as a teller. But later on, the said duty was withdrawn from him and given to Sri Acharya who was than the senior most clerk in the establishment. There is no dispute about the legal proposition that mere withdrawal of a privilege will not amount to change in conditions of service until such privilege having been allowed to be enjoyed by the employee over a long stretch of time as a matter of custom and usage has in effect become an accepted condition of service.

The workman Sri Mitra was allowed to draw special allowance as because he was asked to perform extra duty of a teller. In such a situation, it was not necessary to give him a notice u/s 9-A of the Act because in course of performing administrative function the management ordered Sri Acharya, a senior most clerk to perform the duty of a Teller.

8 Keeping in view the peculiar nature of the case and the circumstances, I am of the opinion that the management committed no illegality in withdrawing the teller allowance from Sri Mitra. In view of my discussions made above, the reference is answered accordingly.

Dictated and corrected by me.

R. K. DASH, Presiding Officer

नई दिल्ली, 19 अक्टूबर, 1992

का.आ. 2859—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, बैंक आफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-92 को प्राप्त हुआ था।

[संख्या एल-12011/45/90-आई आर डी-II-(ए)]

वी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 19th October, 1992

S.O. 2859.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the mgt. of Bank of Baroda and their workmen, which was received by the Central Government.

V. K. VENUGOPALAN, Desk Officer  
[No. L-12011/45/90 IR D-II-(A)]

#### ANNEXURE

BEFORE HON'BLE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT[LC(R)(231)]1990

#### PARTIES :

Employers in relation to the management of Bank of Baroda, Regional Office (M. P. Region), Plot no. 238 Zone-I, Maharana Pratap Nagar, Bhopal (M. P.) and their workmen, Shri PGM Panickar, Stenographer, represented through the General Secretary, Bank of Baroda Employees Union (MP) C/o Bank of Baroda, Navlakha Area Branch, Indore (MP)-452001.

#### APPEARANCES :

For Workman.—None.

For Management.—Shri R. C. Jain, Advocate.

INDUSTRY : Banking. DISTRICT : Bhopal (M.P.).

#### AWARD

Dated, August 14th, 1992

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-12011/5/90-IR-B-II dated 4-2-1990, for adjudication of the following dispute :—

#### SCHEDULE

"Whether the action of the management of Bank of Baroda in demanding an undertaking from Sh. PGM Panickar, Stenographer in their Indore Branch to forgo his special allowance of Rs. 300 per month; and also to forgo his 2 years seniority in case of his request for transfer on his own request to Bhopal City is accepted, is correct in the light of filling of vacancy by the management in the cadre of Stenographer/Steno-typist at Bhopal by promotion from junior clerical staff during the pendency of request for transfer? If not, to what relief is the workman entitled?"

2. On receipt of the Reference Order dated 4-12-1990 parties were noticed to file their respective statement of 29-7-1992. Despite several notices workman remained absent on 11-2-91, 10-4-1991, 2-6-1991, 30-8-1991, 9-1-1992 and 13-5-1992. It appears that the workman has no interest in the case.

3. In the above circumstances, I have no alternative but to pass a No Dispute Award. No dispute award is therefore passed. Parties to bear their own costs.

V. N. SHUKLA, Presiding Officer

नई दिल्ली, 22 अक्टूबर, 1992

का.आ. 2860.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार युनाइटेड बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 20-10-92 को प्राप्त हुआ था।

[संख्या एल-12011/14/86-डी-2 (ए)]

वी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 22nd October, 1992

S.O. 2860.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of United Bank of India and their workmen which was received by the Central Government on 20-10-1992.

[No. L-12011/14/86-D.II (A)]

V. K. VENUGOPALAN, Desk Officer

#### ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 82 of 1986

#### PARTIES :

Employers in relation to the management of United Bank of India,

#### AND

Their Workmen.

#### PRESENT :

Mr. Justice Manash Nath Roy...Presiding Officer.

## APPEARANCES :

On behalf of management—Mr. B. K. Patnaik, Law Officer.

On behalf of Workmen—Mr. Dipak Sarangi, Joint Secretary of the Union.

STATE : West Bengal

INDUSTRY : Banking

## AWARD

On September 24, 1985, there was a strike call by the Bank Employees Federation of India (B.E.F.I.) for the whole country, with the knowledge and intimation to the United Bank of India (hereinafter referred to as the said Bank).

2. The 17 employees as mentioned in the Order of Reference No. L-12011/14/86-D.I.(A) dated December 16, 1986, which was to the following effect :

"Whether the action of the management of United Bank of India, in relation to their Calcutta Stock Exchange Branch, 7 Lyons Range Calcutta in deducting one days wages for 24-9-85 from the salary of Shri Ashit Baran Dey and 16 other employees of Calcutta Stock Exchange Branch, Calcutta is justified? If not, to what relief the concerned workmen are entitled?";

and as made before this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter referred to as the said Act), claimed that they were members of the United Bank of India Employees' Association, which is also known as U.B.I.E.A. (hereinafter called as the said Association) and is a registered and recognised Trade Union of the said Bank and is affiliated to All India Bank Employees Association (hereinafter called as the said A.I.B.E.A.). They opposed that strike call and advised their members, including the 17 workmen, not to participate or support such strike and there was also a direction given to them, to report and perform their duties as usual. As such, it has been stated that the General Secretary of the said Association gave notice to the said Bank on September 20, 1985 (Ext. W-2), requesting them to keep the entrance gate of the said Bank open, to enable the members, to enter the Bank premises, for the purpose of performing their normal duties. The instant dispute arose in respect of the employees of Calcutta Stock Exchange Branch of the said Bank and the Lyons Range Branch of them have neither to do anything with the strike nor they were parties to the same and so it was indicated that they will attend to their duties and so, made the request to the Branch Manager concerned, to the effect as indicated earlier. It has been stated that they also informed the authorities that in the event the doors remained closed or the employees concerned, who are willing to attend the duty, were prevented from entering the office, no leave or salary should be deducted from them, since any such non-attendance would be beyond their control.

3. It has been alleged that the workmen of the said Association went to attend the office as usual on the concerned date, but, they, to their utter surprise, found that the entrance door of the concerned Branch of the said Bank was closed and picketers and demonstrators, physically prevented them from joining their duties. It has been alleged that inspite of prior notice as aforesaid, no steps were taken by the Manager of the Branch concerned, to keep the office open, for enabling the non-striking workmen staff to attend to their duties and as such, they made an application to the Manager of the Bank, on September 24, 1985 being Ext. W-3, which is also marked as Ext. M-1, stating the circumstances and the situation, in which they were prevented and for which, they could not attend to their duties and as such, by the said exhibit, it was requested that the authorities should treat the employees concerned, as on duty on September 24, 1985, on the basis of the said exhibit. But, it has been stated that finding neither the Manager nor any authorised officer of the Bank, present in front of the concerned Branch, the workmen concerned pasted the Memorandum (Exhibit M-1) on that date, which according to them, was received by the Manager of the Branch on September 25, 1985 and such submission of pasting of the said Memorandum was in terms of Clause 3 of the guidelines of the Bank as circulated through Circular dated June 29, 1984, being Ext. M-2.

4. It has also been alleged that all the notices and representations issued by either the said Association or the concerned employees, have not so far been replied to by the said Bank, but on the other hand, they, without any notice to the concerned workmen, arbitrarily and unlawfully, issued Office Orders dated October 12, 1985 and October 29, 1985, being Exhibits M-6 and M-7 respectively, deducting thereby, a day's wages of the concerned employees, it has further been alleged that since the employees concerned were and are in the employment of the said Bank and they remained posted at the concerned Branch of the said Bank at the relevant time and date, the said Bank was under the obligation to keep the office open on September 24, 1985 and to provide for arranging working facilities or to take such steps, for which they could attend to their duties. It has further been indicated that, remaining such responsibilities, the Branch Manager of the said Branch by the Circular dated June 29, 1984, being Exhibit M-2, requested them to take immediate steps and action as per those guidelines, for proper and effective handling of the situation arising out of strike and other agitational programme and it was the case of the said Association that under Clause 6 of the said Ext. M-2, the said Bank also instructed the officers that in terms of contract of service and the provisions of Banking Regulation Act 1949, the officers were and are under the obligation to keep the office open on all working days and carry on the business of the Bank properly and they should have also refrained from participating in any unjustified and illegal strike. It was also indicated that failure on the part of the officers to comply with such directions, would render them liable for appropriate actions, beside deduction of salary for the day. The said Association has further alleged that the Manager and other authorised officer of the concerned Branch, who preferred to violate the directives of the said Bank as above, could escape the direct with impunity, but the workmen, who came to the Branch for attending their duties, but could not attend for the reasons as indicated, had to face punitive measures like pay cut for the day.

5. It has been stated that the said A.I.B.E.A., which is a Federal Trade Union Organisation, is a Registered Trade Union, operating in the Banking Industry, took up the cases of the non-striking employees, who as stated, were earlier prevented from attending to their duty and after a detailed discussions between the respective organisations, the Managing Committee of the Indian Banks' Association, at the meeting held on October 8, 1985, decide that if there was a call for strike given by a Trade Union and on account of such strike, a particular office of a Bank, remained locked, the absence of the employees, who were not on strike and could not join their duties, due to circumstances beyond their control, be regularised by granting them special leave with pay. This document has been marked as Exhibit W-4.

6. In view of the above, it was the prayer of the said Association, for a direction that the withholding of pay or the pay cut as imposed on the employees concerned of the said Bank, for October 24, 1985, was unlawful and a further direction was asked, for restoration of the deducted salary to the employees concerned.

7. The said Bank, by a Written Statement filed on April 26, 1988, claimed the order of Reference to be thoroughly misconceived and not maintainable in law, as the dispute as referred for adjudication, was a purported one and was not an Industrial Dispute, requiring an interference either by the Government or by adjudication through this Tribunal. It was claimed, even the concerned reference does not confer any jurisdiction upon this Tribunal, to entertain the alleged dispute or to proceed with the hearing of the same. It has further been indicated that the terms and condition of service of the employees concerned were and are inter alia governed by the contract of employment, the provisions of various Awards as amended or modified by industrywise Bipartite Settlement, entered from time to time, apart from claiming that under the terms of such settlement or the terms of employment as indicated above, an employee is employed by the Bank for rendering service to the Bank, by attending to the work as may be assigned to him, during working hours and those employees have no right to remain absent from the work, without leave, duly sanctioned by the management. It has further been indicated that in this case,

the employees concerned were admittedly absent from duty on September 24, 1985 and on that date, they have neither rendered any service by attending to their duty, nor they have applied under relevant leave rules for sanction of leave, indicating the grounds for such absence and as such, they would not be entitled to any salary for the date of their absence and really, this case was not one of deduction of salary, but was a case of non entitlement of salary, for failure to render their service for earning and such an employee had admittedly, the obligation to render service and as such also, the reference was claimed to be misconceived and made, on total misconception of fact and law. It has been indicated that if at all, the Reference should have been, on the question of entitlement of wages for the day in question and not otherwise. It was claimed by the said Bank that since the preliminary exception as indicated, would go to the root of the matter, so such point, should be decided first. It should be noted that ultimately, practices to the proceeding proceeded in the matter on merits.

8. It was the case of the said Bank that service conditions of the clerical and subordinate staff are governed, inter alia, by Sastri Award, Desai Award, and Industry-wise Bipartite Settlement, entered from time to time, in addition to the terms as incorporated in the letter of appointment, it was also claimed that since the conditions of service of the officers of the said Bank, are governed by Statutory Regulations, framed by the Board of Directors of the Bank, in terms of the Nationalisation Act and prior to 1975, the employees of the said Bank were mainly represented by one Trade Union viz. the said Association, but thereafter, on one or the other ground, the employees broke away from the said Association and purported to form separate Trade Union, to suit their interest and such formation of various Unions, lead to constant inter union and intra union rivalries, in an attempt to demonstrate by such ground, a militant Trade Union as well as champion of alleged cause of the workmen, which, lead, to disruptive activities and abrupt cessation of work. It has been alleged that it was noticed that one Union called the strike and others responded to such call by absents from duty, in the name of alleged Trade Union Unity and after remaining absent from duty on the date of strike, they approached the Manager thereafter, with the plea that they could not attend the office, due to alleged picketing and for that the said Bank issued various circulars, to cope with such a situation.

9. It has been said that on September 24, 1985, the United Bank of India Employees Union, called a strike on the issue of computerisation. It has been stated that in the concerned Calcutta Stock Exchange Branch of the said Bank, there were and are altogether 4 Officer, 22 Clerks including 2 relievers from Regional Office, 7 sub staff and one part time sweeper and on the concerned date, all the said 35 employees remained absent from duty and out of them, 13 employees including the part time sweeper, applied for leave, but the rest did not. It has however been indicated that the 17 employees, as concerned in this proceeding, addressed a letter dated September 25, 1985, which was claimed by them to be dated September 24, 1985, to the effect that they came to the office, but could not enter the same, because some of the bank employees were demonstrating at the entrance gate of the Branch. This letter which is Exhibit M-1, was claimed by the said Bank to be vague and devoid of material and in fact, it has been claimed that the same was manufactured, for the purpose of making out a case for payment of salary, without doing any work and attending to the duty. On the date of strike, it was the case of the said Bank that the concerned employees, who have neither rendered services nor have applied for leave, would not be entitled to any salary for the day, as they have not earned the same. The correction of the letter Exhibit M-1 was denied, and it has been stated that it was not the duty and obligation of the said Bank, to make provisions for special protection to the concerned employees and there was really, no evidence that the employees concerned, asked for protection if the police or have lodged any diary with them. On a construction of the said Ext. M-1, the said Bank has said that it would appear that the employees concerned have stated that on September 24, 1985, they could not enter the Branch premises of the

said Bank, because of alleged demonstration at the entrance by some Bank employees, but, there has, in fact been, no allegation in that Ext. M-1 that the main entrance of the said Bank was closed or the employees concerned were physically obstructed from entering the office premises. It was the case of the said Bank that under the Criminal Law Amendment Act, if there was or is any obstruction by any person to any employee, to reach his place of work, the said employee, has the right to lodge a First Information Report of the offence, which is a cognisable one. It has further been reiterated that it was not the duty or obligation of the said Bank, to make arrangement for maintaining law and order, out of the Bank premises and if some body is obstructed, he should take the assistance of the local police, who are duty bound to render such assistance. Since there was no compliance with the above requirement, the claim as put forward by the employees concerned, have been indicated to be misconceived and not maintainable in law and according to the said Bank, was made with the mala-fide intention of gaining some advantage, unduly. It has further been stated that the said Bank, on its own, has not refused employment or work to any of the employees on the concerned date or had declared a holiday on that date. It has been stated, the Bank had and still has the right to treat an employee, who is found to be absent from duty on any particular day, when one Union has given a strike call, participant in the strike. It has ofcourse been stated that however, the said Bank as a special case, informed all concerned that if any individual employee, states by a letter in writing (Ext. M-3) that he did not participate in the strike, but due to the situation beyond his control, he could not attend his duty, he would be granted Casual leave or any other leave as per rules, although no category of leave is usually allowed for remaining absent on the strike day. Exhibits M-2 and M-3 postulates individual application to be made by the employee.

10. The above statements as recorded, would really and in fact, indicated in the defence of the said Bank and that is why, I feel that the statements contained in paragraph 9 to 13 of the Written Statement are not required to be dealt with elaborately. However, it has been stated by the said Bank that the workmen concerned, did not discharge any duty or attend the duty on September 24, 1985 and save that the letter of September 25, 1985 was served on them nothing was admitted in respect of receipt of Exhibit M-1. It has been indicated that the said Association did not, in fact and really, opposed the strike, but took active steps to support the same, by not attending to the duty. It has been stated that the entrance gate is opened and locked by subordinate staff of the said Bank and since the said Bank acts through such employees and when it was the claim of the said Association that almost all the employees of the concerned Branch belonged to them, so it was their duty to see or to keep the entrance gate open. The above statements according to the said Bank, would be very material, as it was not being alleged by the employees concerned, in the letter Exhibit M-1 that, the entrance gate was closed or that the employees were prevented from entering the office for attending the duty.

11. It has further been reiterated that if there was any prevention of any employee, to attend to his duty, it was his duty to lodge the First Information Report and seek the assistance of the Police, but, here in this case, it would not appear that the employees concerned, who were alleged to be willing to attend the duty, have taken any such steps. In any event, it was denied that those employees were prevented from attending to their duties or the entrance doors of the concerned Branch, were kept closed or there was any picketing or demonstration or any physical prevention of the said employees, to enter to the office for discharging their duties. It was denied that Exhibits M-6 and M-7 were illegal or arbitrary as alleged. The said Bank has repeated that the employees concerned, had neither attended the duties on the date in question nor have applied for casual leave or any other leave, for such absence, in terms of Bank's circular as indicated earlier. The allegations which were the basis of the claims of the said Association, were not only denied, but they were claimed to be thoroughly misconceived and it was reiterated that the fact that those allegations are not supported by Exhibit M-1, will have to be considered, in

dealing with this case and that too for considering the conduct of the employees of the same. The Circular dated November 4, 1985 (Exhibit W-4) was claimed to be not a mandatory one, but according to the said Bank, the same was merely recommendatory and as such, was not binding on them. In any event, it was denied that 17 employees concerned, would be entitled to salary for September 24, 1985, more particularly when, in Ext. M-1, there has been no charge or any allegation that the office entrance of the said Branch was locked, for which the employees concerned, were prevented from attending to their duties.

12. In view of the above, the said Bank has said that the employees concerned, would not also be entitled to any salary for September 24, 1985, on the principles of "no work no pay".

13. In the facts of this case and the claims and counter claims, I think, some discussion of evidence as tendered and available, will have to be considered. WW-1 Monojit Chakraborty, has deposed that he along with Asit Baran Dey and 16 others, are the employees mentioned in the Reference, of the said Bank, in their Calcutta Stock Exchange Branch and at the time of his deposition, he was employed in Old Court House Street Branch, but on the date of incident, he was in the Branch named earlier. He has testified that the B.E.F.I. gave the concerned strike call, but his Union did not join the same. According to him, Sri Asit Baran Dey, the General Secretary of the said Association, by representation as in Ext. W-1 informed the Manager of the Branch in question, about the non participation of the members of the said Association in the strike, but he was not able to say, it was known to him, if such information was in writing. The said Ext. W-1 has been placed by WW-2, Asit Baran Dey, the Secretary of the said Association. It was also his evidence that Ext. W-1 was addressed on the advice of the Committee, which was marked as Ext. W-2. It was the evidence of WW-1 that on September 24, 1985, the employees concerned, went to join their duties, but could not, as the door of the Branch was closed and the strikers were squatting. He has deposed to have seen the Manager, Deputy Manager and other officers of the Branch, standing outside. He has, in fact stated that he and the other employees as involved, could not enter the Bank premises and were asked by the Manager, to wait outside upto 10.30 A.M. and an application, stating the fact, why they could not enter the Bank, should be sent to him and accordingly, on September 25, 1985, as at 10.30 A.M. on the earlier date, they could not enter the Bank, was sent. The above representation was marked Exhibit W-3, which was placed by WW-2. It was the further evidence that the striking Union had only 2 members, out of the total strength of 32 staff in the Branch and the said Association had a membership strength of 22 members out of that. The deduction of pay for September 24, 1985, was not in dispute. The xerox copy of Ext. W-3 has also been marked as Ext. M-1 and the witness has admitted that in the petition, nothing has been said about the fact that the employees concerned could not enter the Branch premises, because the door was closed or they were prevented from entering the Branch. He agreed, which fact was also supported from the evidence of WW-2 and WW-3 that K. L. Upadhyay was the watchman of the Branch and the key was with him. It also appeared that the said Upadhyay, who deposed as WW-3, was a member of the said Association. It was in evidence that the said WW-3 was verbally asked to keep the gate open and he was expected to stay in the Branch and in fact, he stays in the Branch although there is no permission for such stay at the Branch. The witness WW-1 has also stated that in Ext. W-3, the names of the demonstrators have not been mentioned. It is true that even though, the employees concerned were prevented from entering the Branch premises, no complaint with the Police was lodged, and Sri D. Sarangi's name was mentioned in WW-3. There was some dispute over the inclusion of Sri Sarangi's name, which was not initially indicated in the order of Reference, but the said Association, claimed that the inclusion, of such name was made through a corrigendum, but the said Bank indicated that the corrigendum was not received by them. It was the evidence of this WW-1 that the employees concerned, reached the Bank premises at about 10 A.M. and waited upto 2 P.M. and the direction as above, as given by the Branch Manager, was oral. Even though the witness has said that the employees were there at the Branch upto 2 P.M., yet he has again made a contradictory statement to the effect that, as they were present

upto 12 noon, they could not testify whether the Branch was open after 12 noon. Such statements were self contradictory. It was his definite case that apart from Exhibit W-1, no other representation was made and there was no application for regularisation of leave for the concerned date.

14. Some of the evidence of WW-2 has been indicated earlier. His further evidence was, WW-3 was supposed to be on duty all throughout, he was there on the day, but was not present and when he is absent, he is required to hand over the key to the Manager or Deputy Manager. It will appear that there has been no positive evidence of such handing over the key in this case and on the other hand, the said WW-3 has stated that the duty of the night watchman starts after the Manager leaves the Branch and then, he is to work till the next morning, when the Manager comes. He has deposed that on the date of incident, there was a strike call as mentioned earlier and the gate was closed. He has said definitely that the Manager did not ask him to keep the gate open. Such instructions, otherway in my view, was not necessary. This witness was not admittedly inside the Branch, as he went to have his food and on his return, he found the picketers in front of the gate. He has further stated to have seen the Manager and the non striking employees present and he admitted, to have the only key of the gate with him. He has said that the Manager and other staff, left the place at about 12.30 or 1 P.M. This again is contrary to the evidence of WW-1 and he could enter the Branch, thereafter. It was his further evidence that he opens the gate when the officers come and on all other days of strike, the gate is kept open. This WW-3 has ultimately got his pay for the concerned date, on his application Exhibit W-5. Although this Exhibit W-5 was a document of the Bank, yet they have, to my mind, without due reasons, objected to the reception of this exhibit in evidence. It was his evidence that on the date of occurrence, he did not open the gate, because people were standing in front of the gate. But strongly enough, he has not said anything regarding any obstruction to him, in opening the gate. There is also doubt that he was a member of the said Association. He has denied the suggestion that he came to depose, for the purpose of saving the members of his Association. WW-2 has also stated the Manager was present at the gate on the concerned date and he did not instruct WW-3, to open the gate, which was also spoken to by WW-3. Regarding the time, upto which the employees stayed at the Bank, WW-2 has also given a statement, contrary to that of WW-1. He has said that pay for the day was deducted for non attendance and on the concerned date, the Branch did not work. It was the categorical evidence of this witness that no application for special leave for the day has been filed, as they came to work, but could not enter the office. I find, on consideration of the evidence as available that even in a case of the present nature, the employee concerned will have to apply and inform the said Bank, the cause for his non-attendance or failure to attend his duties. He could not deny specifically, the instructions contained in Ext. W-4, but was not aware, if any other Bank has issued such circular. Such defence, to my mind is baseless. The said Exhibit W-4 shows that there was discussions, the Managing Committee, at its meeting held on October 8, 1985, decided that if, there was a call for strike, given by a Trade Union and for that, a particular office of a Bank remained locked, the absence of the employee, who were not on strike, be regularised as Special leave, by an authority, not less than the Deputy General Manager, subject to the compliance of the conditions, as under :-

- (a) If the employee is a member of the union which has given a call for strike he should advise the bank in writing before the strike day that although he is a member of the union which has given a call for strike he has no intention to go on strike.
- (b) A letter by the employees, including those covered by (a) above stating that they were not on strike and they had come to attend the office in the usual manner but could not do so as all the doors were locked.

(c) If it is established that even one or two employees were able to enter the office and the doors were opened any time before the office close of business hours, special leave will not be given to those who did not enter the office."

and has also indicated, how the absence for a day of an employee, when notice for strike has been given by any of the Unions, will be treated and regularised. The character and validity of Ext. M-1 or W-3, as indicated earlier, could not be denied by WW-2 and he has definitely stated that there is no mention in the exhibit that the employees were physically prevented from entering the office or that the door remained closed and that apart, the names and number of the demonstrators i.e. those who prevented the employees concerned from entering, have not been mentioned. So, necessary and required particulars were not admittedly incorporated in the exhibit, duty. It was also his case, for avoiding confrontation, the employees concerned did not enter the office, and they have not also asked for Police help and protection. This witness, discourse ultimately agreed that Ext. W-4 should be binding on all the Banks. The defence regarding such avoiding of confrontation, will, as indicated hereafter, ultimately affect the public and the workings of the said Bank, which is a public utility concerned. The Ext. W-4 and more particularly sub-paragraphs (a) and (b) at page 2, will not really help the members of the said Association, as they will, in the facts and circumstances of the case, if at all, may help the members of B.E.F.I., who gave the strike call and sub-paragraph (c) will not also be of any help or assistance as there is no categorical evidence that the door was not opened any time before the close of business hours.

15. MW-1 Jaishankar Tewari, posted in the Industrial Relations Division of the said Bank, was the only witness on behalf of them. He was aware of the strike call, given by the B.E.F.I. on September 24, 1985. He has produced Ext. M-2, containing the basic policy of the said Bank, regarding strike and other agitational programme, containing the guidelines for proper and effective handling of the situation arising out of various agitational programmes by the Unions and which indicated amongst others that, in case an employee, officer or award staff, who claims that he was prevented from entering/attending office on the dates of mass stay-in/strike or any such agitational activities, the absence of such employee may be adjusted against due casual leave or privilege leave, provided the concerned employee, submits in writing that—(i) he does not belong to the Union which supported/sponsored the mass stay-in/strike etc., (ii) he was prevented from attending office on the day in spite of his willingness to do so in clause 3. This Ext. M-2 contemplates the application to be filed by the employee. There is no doubt or dispute that the said Exhibit M-2 was circulated by Ext. M-3 and by Ext. M-4, it was informed that resorting to strike on September 24, 1985, will be illegal, since the said Bank was a public utility concern. The witness has pointed out that by Ext. M-5, the Heads of the Departments were informed about the deductions to be made from the employees, for participating in the concerned strike. By Ext. M-6, the Regional Manager, as stated by the witness, wanted to know, if the terms of Ext. M-5 have been given effect to and acted upon and Ext. M-7 will show that deductions were directed to be made from the salary of 24 employees as mentioned therein and such information, was also given to WW-2 and he further deposed that by Ext. M-1, the Indian Bank Association, indicated, how to deal with strike. It was his evidence that Ext. M-2 was duly circulated. He indicated that there are four unions of the employees of the said Bank and the said Association, which was affiliated to the said A.I.B.E.A. was the majority Union and the said A.I.B.E.A. was a party to the Bipartite Settlement, which the said B.E.F.I. was not. He has also indicated that clause 3 of Ext. M-2 will show the steps to be taken for willing employees and that too, after following certain norms. Mr. Patanayak submitted that the fact that there was strike on September 24, 1985 in the Branch and for that, there was no Banking operations, was not in dispute and it was the admitted case of the said Association that their members, who were not supporting such strike, as called by B.E.F.I. went to their work and since they could not work for the reasons as disclosed and for which they were not at fault or responsible, they should have

been treated as on duty and thus, the deduction of salary as made in their case, were not only illegal, immoral, but were arbitrary, void and irregular, apart from being not bonafide.

16. The said Bank also raised preliminary objections regarding the making of the Reference and the maintainability of the same, the particulars whereof have been indicated earlier.

17. Mr. Patanayak indicated that paragraph 13.27 of Ext. M-10, dealing with the Leave Rules and more particularly with "Special Leave", which provides that Special Leave will be allowed to certain employees (as mentioned therein), for attending meetings and conferences of Trade Union of Bank Employees, although do not directly throw any light in a case of the present nature, yet, that is enough to show, the ultimate authority of the said Bank, in the matter of the grant of such leave, and clause 3 of the Circular Ext. M-2 as above, specifically lays down and as mentioned therein, their rights and those of the said Bank, to adjust casual or privilege leave and according to Mr. Patanayak, the said Rule, as indicated, is silent about a joint application to be made by the employees in a case of the present nature and which was done in this case. His claim was that such application, for any adjustment whatsoever, should have been made individually and not jointly, as was claimed to have been made in this case by Ext. M-1 or W-3. Thus, it was claimed that the said application was not in form and even if the same was received by the said Bank, which fact was denied, there was no obligations on them, to reply to the same.

18. It was claimed by the said Bank that the said application was not duly received by them and in any event, the contents of the same were not only spurious, but were contrary to the pleadings of the said Association. The defects and so also the inconsistencies, in the said application viz. there was no statement of prevention and physical threat or provocation to the non-strikers by the strikers, the names of the strikers or that the door of the Bank was actually closed, have not been mentioned and which has already been highlighted earlier. It was further pointed out by Mr. Patanayak that there was really no evidence of pasting of the said notice and such statements were not only contrary to the evidence sought to be tendered by WW-1 and WW-2 and were also contrary to the pleadings. The hours of work and overtime, are provided in Ext. M-9, which is a part of the Bipartite Settlement, and indicates that subject to Clauses 14.3 and 14.12 as indicated in Clause 14.2, the admitted hours of work of full time workers, exclusive of recess period, shall be as indicated there and Clause 14.3(c) thereunder, indicates the hours of work of a member of the Watch and Ward staff as under :

"(c) The hours of work of a member of the Watch and Ward Staff shall be 8 hours in a period of 24 hours provided that the hours of work of a 'Watchman-cum-Peon' for the period during which he works as a Peon, as also of a Peon, for the period during which he is required to work as a 'watchman' or 'Armed Guard', shall be the same as those laid down in Clause 14.2(c) above."

I think the duration of work, for such a staff as indicated, has been duly mentioned. Mr. Patanayak claimed that WW-3 who was admittedly a Watchman, did not on the date of strike performed his duties, in terms of the above Rules. In my view, WW-3 in the facts of this case has not duly performed his duties and there is or has been scanty evidence about his bonafide attempts to perform his duties and obligations, as required.

19. It was then submitted by Mr. Patanayak that under Section 7 of the Criminal Law Amendment Act, as indicated earlier, the employees concerned, when they were so prevented from entering the place of work by others as alleged, were not without any remedy, as they could have filed First Information Report, narrating the difficulties as faced by them, but such steps, having not been taken, the allegations as made now, cannot be accepted or acted upon. He, then made a reference to paragraph 511 of the Sastri Award as



disclosed in Ext. M-8, which deals with temporary stoppage of work and contains the directions as under :

- (1) In the event of a fire, catastrophe, an epidemic, civil commotion or other cause beyond the control of the bank, it may at any time, without notice or compensation in lieu of notice, close down, as the event may require, the bank or any branch, department or part thereof for a reasonable period.
- (2) An employee affected by a stoppage under clause (1) above shall be deemed to be on privilege leave to the extent such leave is admissible, and for the balance of the period, except where his services, are dispensed with he shall be deemed to be on leave without pay."

and stated that thus, the employees concerned, as represented by the said Association cannot claim any benefit or protection. It was indicated by Mr. Patanayak that from Ext. M-1, which is also marked as W-3, it will appear that 16 employees as mentioned there, were hand-in-gloves with each other and from the statements as recorded earlier, there is also no room for doubt that the statements as contained therein, were and are for being real and genuine. Paragraph 511(1) of Ext. M-8 deals with the right and obligation of the Bank on certain given exigencies and sub-paragraph (2) deals with the case or cause of the employees. The terms "beyond the control of the Bank" as mentioned in paragraph 511(1), even if applies to this case, (which is also very difficult to be observed in view of the causes as mentioned before), will also be very difficult to be observed and followed in this case and on the basis of available evidence.

20. The deductions in this case were made or directed to be made through Ext. M-7 and there is no dispute over the same. It was also pointed out by Mr. Patanayak that WW-3 has ultimately made an application for regularising his absence, but no effective steps have as yet been taken thereon. Perhaps this submission was not correct in view of the evidence of WW-3. Paragraph 13.39 of Ext. M-10 deals with Special Leave, this exhibit was not objected to and shows that special leave will be allowed to certain employees, for attending meetings and conferences of Trade Unions of Bank employees in terms of the schedule as indicated therein. But that Clause in my view, has no application in the facts of this case. This Ext. M-10 is available in the Settlement on the Industrial Disputes between the Banking Companies and their workmen dated October 19, 1966.

21. In support of his submissions as above, Mr. Patanayak, first referred to the observations in the case of Messrs Algemons Bank Nederland etc. Vs. Central Government Labour Court at Calcutta & Ors. 1978 Lab. I.C. 47, which is a determination under Section 33C(2) of the said Act, dealing with an application by an employee under such provisions, for recovery of amount deducted from his salary, for period of absence from duty and has indicated that when a Labour Court could grant such leave and if the employer, was authorised to make such deduction and in such cases, whether opportunity to the employee was necessary. It has been observed that wages are the payment for services rendered. The right of the employee to get the remuneration, depends upon the performance of the work during the period of work. If there be any failure of that consideration, then on a strict view of the matter, the employer is entitled to refuse any payment at all. It has also been indicated that very often, these policy consideration entails deduction on pro-rata basis and to avoid undue hardship in the employer and employee relationship, it has, ultimately been decided in such case, on consideration of the definition of wages under the Shops and Establishment Act, which brings in the definition provided by the Payment of Wages Act, that if the employee, does not work for a specified period of work, then the remuneration would not be payable. In the facts of that case, it has also been observed that there was no clear existing right of the employees to claim wages for the period, he did not work and that, such right has to be established before the entitlement could be demonstrated. On the basis of the above determinations, Mr. Patanayak categorically laid stress on the point that as the employees concerned, have not been able to establish their entitlement for wages, so the determinations as above will hold good and would disentitle the relief to the

employees as claimed. In short, he submitted that wages to be paid for the services rendered and since no services were rendered here, the employees would not be entitled to maintain their claim. Thereafter, reference was made by Mr. Patanayak to the case of Bank of India Vs. T. S. Kalawalla & Ors., 1990(2) LLJ 39, where the employees went on strike for a portion of a day or for the whole and there was no provision in the contract of employment or service rules or regulations for deducting wages for the period, for which they refused to work. Such deduction was not covered by any statutory provisions, yet, it has been observed that the employer was entitled to deduct the wages proportionately, for the period for absence or for the whole day on the facts of a given case. Such determination was made on the basis that as the employees have offered only performance of their contract, the employer was entitled, without terminating the contract of employment, to decline partial performance, and in that case, the employees, would not be entitled to sue for the unworked services. Mr. Patanayak stated that since the employees in this case, were required to perform duties or discharge the obligation under the admitted contract of employment, so, the deductions as were done were due and proper and for such deductions and more particularly, when they were within the purview of the limit of the terms of service and conditions of employment of the employee, no notice, as claimed, was necessary. He submitted, on a reference to Ext. W-4 that the said decision as circulated by the said Bank, were duly circulated and as such, the said Bank was authorised and justified to follow the policy of "No work, no pay" and thus, they have duly deducted the day's wages from the employees concerned, for non-performance of their duties on the date of strike and that too, without any justifiable reasons or cause, showing and establishing, why and how they could not perform their duties. It was also submitted by Mr. Patanayak that employees concerned could get their absence duly regularised by making individual applications in terms of the requirements, of their terms of service and conditions of employment, as indicated earlier. The particulars of the submissions on this aspect and the findings thereon have been indicated earlier. It should be noted that if an employee, refuse to perform the full duties which can be required of him under his contract of service, as is the case here, the employer will be entitled to refuse to accept any partial performance and as such, the said Bank authorisely deducted the day's salary on the date of strike, as the concerned employees did neither work nor established any reasonable ground for such non-working. If the employees in this case could have established that they were really prevented from attending duty by the organiser of the strike viz., B.E.F.I. this Tribunal could have with justification made an Award in their favour, in terms of the decision in the case of Kothuri (Madras) Ltd., Vs. Second Additional Judge cum-Appellate Authority & Ors. 1991 (2) LLJ 604.

22. Mr. Sarangi, in my view, with due justification established that this Reference will be maintainable, as the instant case will come well within Section 2(k) of the said Act. He also agreed that there is no necessity of individual and separate application of the employees concerned to regularise their absence on the given date, but stated that it would appear that on September 23, 1984 the employees concerned, in a body, by Ext. W-1 informed the said Bank that they would not be participating in the strike which was called by B.E.F.I. and so, arrangements should be made or taken, so that the members of the said Association who were not on strike could have easy and uninterrupted expiry in the Branch premises for proper discharge of their duties. He has submitted that it was unfortunate that such steps were not duly taken by the said Bank, so the members of the said Association could not enter the Branch premises, for reasons as stated earlier, which were beyond their control, for discharging their obligations and as such, the said Bank was not authorised and justified to have the remunerations of the employees concerned, for the day deducted. It was made very clear by Mr. Sarangi that the said Association or its members were and are not willing to make any separate and individual application for their absence on the date of strike and as such, made the joint application as in Ext. M-1, which is corresponding to Ext. M-3. It was also pointed out by him that the view that the employees concerned could not enter the Branch premises

for the reasons as indicated was well known to the Manager and Deputy Manager, who were present at the spot, but this submission of Mr. Sarangi is very difficult to follow, in view of the admitted evidence of WW-1 and WW-2, who were not consistent regarding the period of stay of the members of the said Association at the spot on the date of strike, and was also not very convincing to establish, if the Manager and Deputy Manager, who were entitled to receive such application, were present or why the same was not handed over to them or why the same was pasted? That apart from the intrinsic evidence as appeared from the said exhibit it is very difficult to find out that necessary allegations, which were and are the basis of non-attendance of the members of the said Association, on the date of strike, have been categorically mentioned, disclosed or brought home and indicated in the said Exhibit. Apart from the above, it must also be remembered that Watch & Ward staff, WW-3, was a member of the said Association and was present at the spot and before the gate, which was required to be opened by him. In fact, there was no or has been any categorical assertions by him that he intended or attempted to open the gate or that he could not do any thing as above, because of the physical obstructions by strikers/squatters. This WW-3 has tried to be sitting on the fence.

23. It should also be remembered and as appeared from the evidence as tendered that the said Association was admittedly a majority one, of the employees of the concerned Branch, and B.E.F.I.- if at all, had only a negligible number of members, viz. 2 or 3. Even then, if it is also visualized that there were other outsiders or associates, who could raise obstruction against the members of the said Association, who as stated earlier, were in majority to enter the Branch premises, but unfortunately, there was no such evidence to the above effect. I also feel that as usual, now a days, there may be more than one Unions in a Bank or in any Industry or the said Bank and if the things, as happened in this case or the defence as taken here, are allowed, then, a day may come, when the entire Banking operations of a Bank or a Branch, may be stopped for a long time, as every Union may give a strike call on separate days and others may take the plea that they have not joined the strike, but they were so prevented by strikers and as such, could not enter the Bank premises. In such a case, which should be avoided under any circumstances, the functioning of a Bank may come to a standstill and thereby, the cause of the public or their utility will suffer.

24. As such and on the basis of the Rules and records as indicated earlier, I feel that the claim of the said Association has no justification and their members had and still have the right to have their absence regularised, by making separate applications and if that is done, the said Bank should, in all fairness accede to such prayers. It must be noted here that there is no provisions for making a joint application as in this case, and perhaps this fact, was also known to the said Association and for that reason, their member, WW-3, i.e., the Watch and Ward Staff, has made his application for regularising his absence. I further feel that Watch and Ward Staff, WW-3, who was present at the spot did not act bonafide or did every thing, which was required of him to do, to keep the door of the Branch open, in the circumstances as indicated earlier.

25. Thus, this reference fails and is rejected, as it cannot be answered in the affirmative and in favour of the said Association in the facts of this case and on the available evidence.

26. This is my Award.

Dated, Calcutta,

The 17th September, 1992.

MANASH NATH ROY, Presiding Officer

नई दिल्ली, 22 अक्टूबर, 1992

का.आ. 2681—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संवद्ध नियोजकों

और उनके कर्मचारों के बीच अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-10-92 को प्राप्त हुआ था।

[संख्या एल-12012/203/89-डी-2(ए)]

वी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 22nd October, 1992

S.O. 2861.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Allahabad Bank and their workmen, which was received by the Central Government on 19-10-92.

[No. L-12012/203/89-D.II(A)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 206 of 1989

In the matter of dispute between :

Secretary, All India Allahabad Bank Employees' Association, C/o Sri Vijay Khanna, Vijay Nagar Branch, Allahabad Bank, Kanpur.

AND

The Assistant General Manager, Allahabad Bank, Central Zone, Hazaratganj, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/203/89-D.2(A) dated 22-8-89, has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the management of Allahabad Bank in cancelling the promotion of Sri Vijay Khanna as Special Assistant is justified? If not, to what relief is the workman entitled?

2. On 4-9-92 when the case was taken up Sri B. P. Saxena appeared for the workman and made an endorsement on the order sheet to the effect that since the workman has been promoted as an officer in the bank, the dispute is not pressed, by the workman.

3. In view of the above endorsement, the reference order has become infructuous. It is answered accordingly.

ARJAN DEV, Presiding Officer

न दिल्ली, 22 अक्टूबर, 1992

का.आ. 2862—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 20-10-92 को प्राप्त हुआ था।

[संख्या एल-12012/662/89-डी-2(ए)]

वी.के. वेणुगोपालन, डेस्क अधिकारी



New Delhi, the 22nd October, 1992

S.O. 2862.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Allahabad Bank and their workmen, which was received by the Central Government on 20-10-92.

[No. L-12012/662/89-D.II(A)]

V. K. VENUGOPALAN, Desk Officer

#### ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 141 of 1990

In the matter of dispute between :

Sri Jameel Ahmad, C/o Sri A. N. Tripathi, 52/122,  
Sarsaiyay Ghat, Kanpur.

#### AND

Regional Manager, Allahabad Bank, Pandu Nagar,  
Kanpur.

#### AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/662/89-D.IIIA dated 24-5-90, has referred the following dispute for adjudication to this Tribunal:—

Kya karmkar Sri Jameel Ahmad Allahabad Bank ki Jhansi City Shakha ke bhutparva chaprasi-cum-farrash ki dinank 22-7-88 ke wetan ke sath karya par vapis liyein jane ki mang nyoyochit hai? Yadi nahi to sambandhit karmkar kis anutosh ke haqdar hai?

On 14-8-92, the case was fixed for filing of affidavit evidence by the workman. On that date neither the workman nor his authorised representative turn up. Sri M. K. Verma appeared for the management. In this case workman despite availing of sufficient opportunities did not file his affidavit evidence. Thus it appears that the workman is not interested in prosecuting his case.

2. Therefore a no claim award is given against the workman.

3. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 1992

का.आ.2683—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल रेलवे झांसी के प्रबंधन के सदस्य नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-10-92 को प्राप्त हुआ था।

[सं. एन-41011/41/89-आई आर (डी यू) (पीटी)]  
के.वी.बी. उष्णी, डेस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2863.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the 2685 GI/92—7

management of Central Railway, Jhansi and their workmen, which was received by the Central Government on 19-10-92.

[No. L-41011/41/89-IR(DU)(Pt.)]  
K.V.B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 295 of 1989

In the matter of dispute between :

The President, Rashtriya Chaturth Shreni Rail Mazdoor Congress (INTUC) 2-236, Narneir, Agra.

#### AND

The Divisional Railway Manager, Central Railway,  
Jhansi.

#### AWARD

1. The Central Government, Ministry of Labour, New Delhi, vide its notification no. L-41011/41/89-I.R. (DU) dated 28-11-1989, has referred the following dispute for adjudication to this Tribunal:—

Whether the Divisional Railway Manager, Central Railway, Jhansi was justified in terminating the services of Sri Bankey Behari Lal, Dashrath and Mahendra Singh w.e.f. 1-11-85? If not, what relief the workman were entitled to?

The industrial dispute on behalf of the above named workmen has been raised by President Rashtriya Chaturth Shreni Rail Mazdoor Congress (INTUC), Agra.

3. The case of the Union is that the services of the three workmen who had been working for the past many years in the Central Railway at Agra, were terminated w.e.f. 1-11-85 without complying with the provisions of section 25F of the I.D. Act, in violation of the provisions of section 25G of the Act. Although the date of their initial appointments are not given in the claim statement. However, in the rejoinder the dates of initial appointments of workmen S/Sri Bankey Behari, Dashrath and Mahendra Singh are given as 18-6-76, 21-12-76 and 5-8-79. The Union has further alleged that while keeping fresh hands, the management of the railway did not give them an opportunity for re-employment. After the termination of their services they were declared medically fit vide photostat copies of medical certificates annexed to the claim statement. They nowhere stated their relief claimed by it in respect of these three workmen in the claim statement.

4. The case is contested by the management. The management plead that the railway administration is not an industry nor the railway administration is subject to the provisions of I.D. Act, 1947. Since there was a ban on fresh recruitment, the appointments of the three workmen void abinitio. Even the service cards produced by these workmen at the time of employment, on investigation, were found fake. In the circumstances, the Union/workmen are entitled to no relief.

5. On 19-7-92, when the case was taken up, it was stated by the authorised representatives for the parties that the services of the three workmen were terminated on the ground that they had acquired employment on the basis of fake service cards. It was further stated by them that in this regard no written orders were passed by the railway administration. After making the said statement the authorised representative for the parties stated that they had not to lead any evidence in the case.

6. Undisputedly the services of the three workmen were terminated on the ground that they have procured employment in the railway on the basis of fake service cards, without any written orders in this regard. From the submissions made by the authorised representative of the parties during the course of arguments it appears that before terminating their service they were not issued any show cause notice. Justice and fair play require that they should have

been given a show cause notice in this regard and with the show cause notice they should have been furnished with the material on the basis of which the management formed the opinion that the service cards furnished by them at the time of seeking employment were fake. It was only after this that the management could have terminated their services after considering their explanation, if any. Since the principles of Natural Justice were not observed by the management, the action of the management in terminating their services cannot be upheld. Consequently they are held entitled to their reinstatement.

7. As regards back wages it has been submitted by Sri Singh, the auth. representative for the Union that the order similar to one passed by C.A.T. Allahabad in Registration O.A. No. 160 of 1989 Tula Ram Versus Union of India and others, copy of which has been filed by the Union in the case, should be passed. From the said order it appears that while reinstating the applicant Sri Tula Ram Central Administrative Tribunal Allahabad did not allow payments of any back wages for the period from the date of termination to the date of reinstatement in the case. It further appears from the order the management was given liberty to conduct a proper inquiry in the matter of the service card in accordance with the Principles of Natural Justice and take suitable action according to law.

8. Hence, from the above discussion, I held that the action of the management of Central Railway Jhansi in terminating the service of S/Sri Bankey Bihary Lal Dashrath and Mahendra Singh w.e.f. 1-11-85 is neither legal nor justified. Consequently all the workmen are ordered to be reinstated in service but without any back wages. The management is however, given the liberty to conduct a proper inquiry in the matter of the service cards of these three persons in accordance with the principles of natural justice and take suitable action according to law. Reference is answered accordingly.

ARIJAN DEV, Presiding Officer

नई दिल्ली, 20, अक्टूबर 1992

का.आ. 2864 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबंधन के सबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निरिद्ध औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 19-10-92 को प्राप्त हुआ था।

[सं. एल-41011/17/89-डी-2 (बी) (भा-1)]

के.बी.बी. उष्णी, डैस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2864.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and their workmen, which was received by the Central Government on 19-10-1992.

[No. L-41011/17/89-D.II(B)(Pt. I)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI ARIJAN DEV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 320/89

In the matter of dispute between:  
President,

Rashtriya Chaturtha Shreni Mazdoor Congress

(INTUC), 2/236, Namneir, Agra.

AND

Divisional Engineer,

Northern Rly., Tundla-283304.

#### AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-41011/17/89-D-2(B) dated 11-12-1989, has referred the following dispute for adjudication to this Tribunal:—

Whether D.R.M. (P) Northern Rly. and Divisional Engineer Northern Rly. Tundla were justified in terminating the services of S/Sri Kehri Singh, Chatrapal and Yatendra Kumar w.e.f. 18-12-1987, what relief these workmen were entitled to?

2. The industrial dispute on behalf of the three workmen named in the reference order has been raised by the President, Rashtriya Chaturtha Shreni Mazdoor Congress (INTUC), Agra.

3. The case of the Union is that the services of the three workmen who had acquired temporary status after putting in 120 days of continuous services were terminated w.e.f. 18th December, 1987 by the management on the ground that they had acquired employment in the railway on the basis of forged service cards. The Union alleges that the order of their termination of services is illegal as the provisions of section 25F and 25G I.D. Act were not followed by the management. Even no inquiry was held against them under Railway Servants (Discipline and Appeal) Rules, 1968. The Union has therefore prayed for their reinstatement with full back wages.

4. The management plead that although the workmen had worked for 240 days in open line, they were never declared temporary employees. In the open line only such employees are in service who had been engaged as casual labour before 1-8-1978. After that the Rly. Administration has banned the appointment of casual labour. It was only the General Manager who could employ casual labour. So far as these three workmen are concerned they were never engaged under the orders of the General Manager. At the time of entering into the services they submitted casual labour cards, which on inquiry, were found forged. The management deny any violation of the provisions of I.D. Act. Hence, they are not entitled to any relief.

5. On 15-9-1992, when the case came for hearing, it was submitted by Sri Surender Singh auth. representative for the Union and Sri B. P. S. Chauhan, the auth. representative for the management that the reference be decided only on the point of validity of the management's order terminating their services. It was also submitted by them that in this connection the parties had not to lead any oral evidence. Thereafter, the arguments were heard.

6. Ext. W.1 is the copy of order dated 3-10-87, of the Divisional Engineer of the Northern Rly., Tundla, by means of which the names of all the three workmen were order to be struck off with immediate effect as the casual labour cards furnished by them, on investigation were found fake.

7. There is no evidence not it is the case of the management that before striking of their names from the muster rolls they were given any show cause notice and furnished with the material on the basis of which their service cards were found fake.

8. Undisputedly the services of the three workmen were terminated on the ground that they have procured employment in the railway on the basis of fake service cards, without any written orders in this regard. From the submissions made by the authorised representative of the parties, during the course of arguments, it appears that before terminating their services they were not issued any show cause notice. Justice and fair play require that they should have been given a show cause notice in this regard and with the show cause notice they should have been furnished with the material on the basis of which the management formed the opinion that the service cards furnished by them at the time of seeking employment were fake. It was only after this that the management could have terminated their services after con-

sidering their explanation, if any. Since the principles of natural justice were not observed by the management, the action of the management in terminating their services cannot be upheld. Consequently they are held entitled to their reinstatement.

9. As regards back wages it has been submitted by Sri Singh the auth. representative for the Union, that an order similar to one passed by C.A.T. Allahabad in Registration O.A. No. 160 of 1989 Tula Ram Versus Union of India and others, copy of which has been filed by the Union in the case, should be passed. From the said order it appears that while reinstating the applicant Sri Tula Ram, Central Administrative Tribunal, Allahabad did not allow payments of back wages for the period from the date of termination to the date of reinstatement in the case. It further appears from the order that the management was given liberty to conduct a proper inquiry in the matter of the service card in accordance with the Principles of Natural Justice and take suitable action according to law.

10. Hence, from the above discussion, I hold that the action of the management of Northern Rly. Tundla, in terminating the services of S/Sri Kehri Singh, Chatrapal and Yatendra Kumar w.e.f. 18-12-1987 is neither legal nor justified. Consequently all the three workmen are ordered to be reinstated in service but without any back wages. The management is, however, given the liberty to conduct a proper inquiry in the matter of the service cards of these three workmen in accordance with principles of natural justice and take suitable action according to law.

11. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 20, अक्टूबर 1992

का.प्र. 2865 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल रेलवे झांसी के प्रबंधक के सबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निरिद्ध औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 19-10-92 को प्राप्त हुआ था।

[सं. एल-41012/61/90-आई प्रार (डी यू (भाग))  
के.वी.बी. उण्णी, डेस्क अधिकारी]

New Delhi, the 20th October, 1992

S.O. 2865.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway, Jhansi and their workmen, which was received by the Central Government on 19-10-92.

[No. L-41012/61/90-IR(DO)(Pt.)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
PANDU NAGAR, DLOKI PALACE ROAD, KANPUR

Industrial Dispute No. 17 of 1991

In the matter of Dispute between :  
Sri Surendra Singh,

President, Chaturtha Shreni Rail Mazdoor Congress

4, Hira Pur Nagar, Jhansi.

AND

The Divisional Engineer (Purva),

Central Rly., Jhansi.

#### AWARD

1. The Central Government Ministry of Labour vide its Notification No. L-41012/61/90-IR.(DU) dated 13-3-1991, has

referred the following dispute for adjudication to this Tribunal :—

Kya Mandal Abhiyanta (Purva), Madhya Rail, Jhansi द्वारा श्री प्रेम नारायण भुतपुरवा MRCL को दानक 20-5-86 से निलंबित करना न्यायोचित है? यदि नहीं तो सम्बन्धित कर्मकार किस अनुत्तर का हकदार है?

2. The industrial dispute in respect of the workman named in the reference order has been raised by the President, Rashtriya Chaturtha Shreni Rail Mazdoor Congress, Jhansi.

3. The case of the Union in short is that the workman joined the Central Rly. as a casual labour on 19-5-83 and continued working as such till 19-5-86. During this period he even acquired temporary status. However, his services were terminated w.e.f. 20-5-86 on the ground that he had secured employment on the basis of a fake service card. The Union alleges that the order is illegal as while terminating his services no compliance was made with the provisions of section 25F I.D. Act by the management nor any inquiry against him was conducted in accordance with the Railway Servants (Discipline and Appeal) Rules, 1968. The Union has, therefore, prayed for the reinstatement of the workman with full back wages.

4. The management in defence plead that the railway Administration is not an Industry nor the provisions of the I.D. Act apply to the Rly. Administration. In fact the reference is barred by section 14 of the Administrative Tribunal Act, 1985.

5. In support of its case, the Union has examined the workman. The Union has also relied upon some documentary evidence. On the other hand the management have not lead any evidence in the case.

6. Ext. W.1 is the copy of order dated 29-4-86 by means of which the workman was informed that his service would stand terminated w.e.f. 19-5-86 as he had secured employment on the basis of a fake service card.

7. The notice thus shows that no show cause notice was ever issued by the management to the workman nor the workman was furnished with the material on the basis of which the inference was drawn by the management that the service card produced by the workman at the time of joining service was fake. Such an order of termination of services cannot be upheld as it has been passed in breach of the principles of natural justice. Justice and fair play requires that before terminating the services the workman should have been given opportunity to explain his conduct with regard to the service card stated to have been furnished by him at the time of seeking employment. The order therefore cannot be upheld. It is void ab initio.

8. As regards back wages it has been submitted by Sri Singh the auth. representative for the Union that the order similar to one passed by C.A.T. in Registration OA No. 160 of 1989, Tula Ram Versus Union of India and others, copy of which has been filed by the Union in the case, should be passed. From the said order it appears that while reinstating the applicant Sri Tula Ram, Central Administrative Tribunal, Allahabad did not allow payments of any back wages for the period from the date of termination to the date of reinstatement in the case. It further appears that the management was given liberty to conduct a proper inquiry in the matter of the service card in accordance with the principles of natural justice and take suitable action according to law.

9. Hence, from the above discussion, I hold that the action of the management of Central Rly., Jhansi in terminating the workman w.e.f. 20-5-86 is neither legal nor justified. Consequently the workman is held entitled to his reinstatement but without back wages. The management is however given the liberty to conduct a proper inquiry in the matter of service card of the workman in accordance with the principles of natural justice and take suitable action according to law. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 20 अक्टूबर 1992

का.आ. 2866 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे शर्सी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पक्षों को प्रकाशित करती है जो केन्द्रीय सरकार को 17-10-92 को प्राप्त हुआ था।

[सं. एल-41011/40/89-आई आर (डी यू) (भाग)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2866.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway, Jhansi, and their workmen, which was received by the Central Government on 19-10-92.

[No. 41011/40/89-IR(DU)/(Pt.)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI ARJAN DEV PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM LABOUR COURT PANDU NAGAR KANPUR.

Industrial Dispute No. 297 of 1989

In the matter of dispute between

PRESIDENT :

Rashtriya Chaturth Shreni Rail Mazdoor Congress  
(Intuc) 2-236.

Namair,

Agra.

AND

Divisional Railway Manager,

Central Railway Jhansi.

#### AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-41011/40/89/IR(DU) dt. 28-11-89, has referred the following dispute for adjudication to this Tribunal.

Whether the Divisional Railway Manager, Central Railway Jhansi was justified in terminating the services of Sri Mahendra Pal, Umesh Singh & Ganga Prasad w.e.f. 24-1-87, 23-3-86 and 21-5-86? If not to what relief the workmen were entitled to?

2. The industrial dispute on behalf of the workmen has been raised by the President, Rashtriya Chaturth Shreni Rail Mazdoor Congress (hereinafter referred to as Union) Agra.

2. The case of the Union is that S/Shri Mahendra Pal, Umesh Singh and Ganga Prasad had been working under T.I. Central Railway, Agra Cantt, since 3-9-85 20-10-80 & 1979 respectively. While working as such they had acquired temporary status. However, their services were terminated on 24-1-87, 23-3-86 and 21-5-86 respectively without complying with the provisions of section 25F of the I.D. Act, and in relation of the provisions of section 25G of the I.D. Act, malafide. Union, has therefore, prayed for their reinstatement with full back wages.

3. The case is contested by the management. The management pleads that railway administration is not an industry nor

it is governed by the provisions of I.D. Act, 1947. According to the management, the three persons named in the reference order had procured employment in the railway on the basis of servicecard showing that they had previously worked in the railway which service cards, on inquiry, were found forged. Therefore, their appointments were void ab initio. Hence, the Union/workmen are not entitled to any relief.

4. On 19-8-92, it was stated before the Tribunal by Sri B. N. Bhattacharya, the authorised representative for the management and Sri Surender Singh the authorised representative for the Union that the services of all the three persons were terminated on the ground that they had secured employment in the railway on the basis of fake service specific denial by the management of the fact about the date cards. It was further stated by them in this regard that no written orders of termination of their services were even passed by the Railway. The parties, therefore, did not lead any evidence in the case. In the written statement there is no specific denial by the management of the fact about the date of initial appointments of the three workmen as given in the claim statement.

5. Undisputedly the services of the three workmen were terminated on the ground that they have procured employment in the railway on the basis of fake service cards, without any written orders in this regard. From the submissions made by the auth. representative of the parties during the course of arguments it appears that before terminating their services they were not issued any show cause notice. Justice and fair play require that they should have been given as show cause notice in this regard and with the show cause notice they should have been furnished with the material on the basis of which the management formed the opinion that the service cards furnished by them at the time of seeking employment were false. It was only after this that the management could have terminated their services after considering their explanation, if any. Since the principles of Natural Justice were not observed by the management, the action of the management in terminating their services cannot be upheld. Consequently they are held entitled to their reinstatement.

6. As regards back wages it has been submitted by Sri Singh, the auth. representative for the Union that on order similar to one passed by C.A.T. Allahabad in Registration O.A. No. 160 of 1989 Tula Ram Versus Union of India and others, copy of which has been filed by the Union in the case, should be passed. From the said order it appears that while reinstating the applicant Sri Tula Ram Central Administrative Tribunal Allahabad did not allow payments of any back wages for the period from the date of termination to the date of reinstatement in the case. It further appears from the order that the management was given liberty to conduct proper inquiry in the matter of the service card in accordance with the Principles of Natural justice and take suitable action according to law.

7. Hence, from the above discussion, I hold that the action of the management of Central Rly. Jhansi in terminating the services of S/Sri Mahendra Pal, Umesh Singh and Ganga Prasad w.e.f. 24-1-87, 23-3-86 and 21-5-86 is neither legal nor justified. Consequently all the workmen are ordered to be reinstated in service but without any back wages. The management is however, given the liberty to conduct a proper inquiry in the matter of the service cards of these three persons in accordance with the principles of natural justice and take suitable action according to law. Reference is answered accordingly.

Dated : 5-10-1992

ARJAN DEV, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 1992

का.आ. 2867—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्किप्रालोजिकल सर्वे आफ इण्डिया, आगरा,

के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर, के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 19-10-92 को प्राप्त हुआ था।

[सं. एल-42012/277/90-आईआर(डीयू) (Pt)]

के.वी.बी. उण्णो, डेस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2867.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India, Agra and their workmen, which was received by the Central Government on 19-10-1992.

[No. L-42012/277/90-IR(DU)/(Pt.)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 163 of 1991

In the matter of dispute between :

Shri Sita Ram,  
C/o Sri Surender Singh,  
2/236, Namnair,  
Agra.

AND

The Superintending Archaeologist,  
A.S.I. 22-Mall, Agra Circle,  
Agra.

#### AWARD

1. The Central Government, Ministry of Labour vide its Notification No. L-42012/277/90-I.R. (D.U.) dated 25-9-91, has referred the following dispute for adjudication to this Tribunal:—

Whether the Superintending Archaeologist, Archaeological Survey of India, Agra, was justified in terminating the services of Shri Sita Ram w.e.f. 22-3-88? If not, to what relief the workman concerned is entitled?

2. The workman's case in short is that he had been in the employment of Archaeological Survey of India, Agra Circle, Agra as a class IV employee. He alleges that he had also been an active member of Archaeological Survey Mazdoor Union (INTUC) and as a member of the said Union, he had taken parts in the agitation launched by the Union against the management. The management, therefore, mala fide terminated his services w.e.f. 22-3-88, without complying with the provisions of section 25F of the I.D. Act and in violation of the provisions of section 25G of the Act. According to the workman, the management have regularised the services of even those employees who had been junior to him. He has, therefore, prayed for his reinstatement in service with full back wages and all benefits which are admissible to a regular employee.

3. On 14-9-92, the management filed an application with the prayer to reject the claim statement filed by the workman and return the reference to the Ministry of Labour for its cancellation. In the application it is alleged that in the reference order the name of the father of the workman is not given. Further in the claim statement the Trade, place of Work and the periods of service rendered by the workman are not given. It is then stated that in class IV employees there is no man of the name of Sri Sita Ram.

4. This application came up for disposal on 15-9-92 with the claim statement the workman has filed photostat copy of proceedings dated 30-6-88 of ALC(C), Lucknow, wherein the terms of settlement are found given. It appears from the proceedings of ALC(C), Lucknow, that the President, Archaeological Survey Mazdoor Union (INTUC) had raised an industrial dispute before ALC(C), Lucknow by filing a petition on the point of regularisation of services of casual labourers and also with regard to the alleged illegal termination of certain workman including the workman referred to by the present reference order. This document containing the terms of settlement was admitted by Sri Prakash Rao, the authorised representative for the management. In fact the terms of settlement bears his signatures on behalf of the management.

5. After the admission of the above mentioned document it was stated before the Tribunal by Sri Surender Singh auth. representative for the workman and Sri M. S. Prakash Rao, the authorised representative for the management that parties had not to lead any evidence in the case. It was further stated by Sri Rao that in view of this settlement dated 30th June, 1988, the question of filing of written statement in the case did not arise.

6. On that very date after recording the above statements of the authorised representative for the parties I heard the arguments and reserved the case for award. So far as the workman is concerned, his case is only covered by clause (ii) of the terms of settlement. From the said clause it appears that before the ALC(C) the parties had agreed that the remaining workmen including Sri Sita Ram workman would be engaged by the management as and when the work is available with the management. To my mind after this settlement it is not open to the workman to agitate the matter of alleged termination of his services w.e.f. 22-3-88, specially when settlement had been taken place subsequent to the alleged date of termination. Therefore, dispute raised by the workman resulting in the making of the present reference order is misconceived.

7. It has been argued by Sri Surender Singh the authorised representative for the workman that since after the settlement dated 30-6-88, the workman has not been engaged by the management the workman is entitled to raise such dispute I do not subscribe to his view. Whatever dispute there was it stood settled by means of settlement dated 30-6-88. Now if the workman feels that there has been any breach of the terms of the settlement by the management, he may raise a dispute for enforcing the terms of the settlement and seeking relief resulting from such terms.

8. Held that the dispute being misconceived the workman is not entitled to challenge his alleged termination of services w.e.f. 22-3-88. Consequently, he is held entitled to no relief.

9. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 1992

का.आ. 2868—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार आर्कियालोजिकल सर्वे आफ इंडिया, आगरा के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 19-10-92 को प्राप्त हुआ था।

[सं. एल-42012/274/90-आईआर(डीयू) (पेट.)]

के.वी.बी. उण्णो, डेस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2868.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India, Agra and their workmen, which was received by the Central Government on 19-10-92.

[No. L-42012/274/90-IR(DU)(Pt.)]  
K.V.B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM LABOUR COURT, PANDU NAGAR, KANPUR  
Industrial Dispute No. 160 of 1991

In the matter of dispute between :

Shri Kunwar, C/o Sri Surender Singh, 2/236, Namnair,  
Agra.

AND

The Superintendent Archaeologist, A.S.T. Agra Circle,  
22-Mall, Agra.

#### AWARD

1. The Central Government, Ministry of Labour vide its notification No. L-42012/274/90-I.R. (D.U.) dated 25-9-91 has referred the following dispute for adjudication to this Tribunal:—

Whether the Superintendent Archaeologist Archaeological Survey of India, Agra was justified in terminating the services of Shri Kunwar w.e.f. 1-1-87? If not, to what relief the workman concerned is entitled?

2. The workman's case in short is that he had been in the employment of Archaeological Survey of India, Agra Circle, Agra as a Class IV employee. He alleges that he had also been an active member of Archaeological Survey of Mazdoor Union (INTUC) and as a member of the said Union, he had taken part in the agitation launched by the Union against the management. The management therefore, mala fide terminated his services w.e.f. 1-1-87 without complying with the provisions of section 25F of the I.D. Act and in violation of the provisions of section 25G of the Act. According to the workman, the management have regularised the services of even those employees who had been junior to him. He has, therefore, prayed for his reinstatement in service with full back wages and all benefits which are admissible to a regular employee.

3. On 14-9-92, the management filed an application with the prayer to reject the claim statement filed by the workman and return the reference to the Ministry of Labour for its cancellation. In the application it is alleged that in the reference order the name of the father of the workman is not given. Further in the claim statement the Trade, place of work and the periods of service rendered by the workman are not given. It is then stated that in Class IV employees there is no man of the name of Sri Kunwar.

4. This application came up for disposal on 15-9-92 with the claim statement the workman has filed photostat copy of proceedings dt. 30-6-88 of ALC(C) Lucknow, wherein the terms of settlement are found given. It appears from the proceedings of ALC(C) Lucknow, that the President, Archaeological Survey Mazdoor Union (INTUC) had raised an industrial dispute before ALC(C) Lucknow by filing a petition on the point of regularisation of services of casual labours and also with regard to the alleged illegal termination of certain workman including the workman referred to by the present reference order. This document containing the terms of settlement was admitted by Sri Prakash Rao,

the authorised representative for the management. In fact the terms of settlement bears his signatures on behalf of the management.

5. After the admission of the above mentioned document it was stated before the Tribunal by Sri Surender Singh, auth. representative for the workman and Sri M. S. Parkash Rao, the auth. representative for the management that parties had not to lead any evidence in the case. It was further stated by Sri Rao that in view of this settlement dated 30-6-88, the question of filing of written statement in the case did not arise.

6. On that very date after recording the above statements of the authorised representative for the parties I heard the arguments and reserved the case for award. So far as the workman is concerned, his case is only covered by clause (ii) of the terms of settlement from the said clause it appears that before the ALC(C) the parties had agreed that the remaining workmen including Sri Kunwar workman would be engaged by the management as and when the work is available with the management. To my mind after this settlement it is not open to the workman to agitate the matter of alleged termination of his services w.e.f. 1-1-87, specially when settlement had been taken place subsequent to the alleged date of termination. Therefore dispute raised by the workman resulting in the making of the present reference order is misconceived.

7. It has been argued by Sri Surender Singh the authorised representative for the workman that since after the settlement dated 30-6-88, the workman has not been engaged by the management the workman is entitled to raise such dispute. I do not subscribe to his view. What ever dispute, there was it stood settled by means of settlement dated 30-6-88. Now if the workman feels that there has been any breach of the terms of the settlement by the management, he may raise a dispute for enforcing the terms of the settlement and seeking relief resulting from such terms.

8. Held that the dispute being misconceived, the workman is not entitled to challenge his alleged termination of service w.e.f. 1-1-87. Consequently, he is held entitled to no relief.

ARJAN DEV, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 1992

का.आ. 2869—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल रेलवे झांसी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-10-92 को प्राप्त हुआ था।

[सं. एल-41011/22/89-आईआर(ड्यू)(पीटी)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2869.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway, Jhansi and their workmen, which was received by the Central Government on 19-10-92.

[No. L-41011/32/89-IR (DU)(Pt.)]  
K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 296 of 1989

In the matter of dispute between :

President, Rashtriya Chaturth Shreni Rail Mazdoor  
Congress (Intuc), 2-236, Agra.

AND

The Divisional Rly. Manager,  
Central Rly. Jhansi

## AWARD

1. The Central Government, Ministry of Labour, New Delhi, vide its notification No. L-41011/32/89 I.R.(DU) dt. 28-11-89, has referred the following dispute for adjudication to this Tribunal :—

Whether the Divisional Rly. Manager Central Rly. Jhansi was justified in terminating the services of Sri Prem Singh, and 5 others viz. S/Sri Phool Singh, Puran Singh, Radhey Shyam, Chuni Lal and Atveer w.e.f. 27-12-86 ? If not, to what relief the workmen are entitled to ?

2. The industrial dispute on behalf of the above named workmen has been raised by President, Rashtriya Chaturth Shreni Rail Mazdoor Congress (hereinafter referred to as Union for the sake of brevity) Agra.

3. On 18-8-92, when the case was taken up for hearing it was submitted by Sri Surendra Singh the authorised representative for the Union that the case of the workmen other than workman Sri Prem Singh had already decided in their favour and as such only the case of Sri Prem Singh workman needed decision. In view of it while referring to the facts alleged in the claim statement I shall be referring to the facts given in the claim statement as relate to Sri Prem Singh workman.

4. The case of the Union is that the workman Sri Prem Singh who joined the railway service on 21-10-75 has acquired temporary status after putting 120 days of continuous working. However, his services were terminated w.e.f. 27-12-86 on the ground that he secured employment in the railway on the basis of fake service card. The Union alleges that his services were terminated without following the procedure contained in the Railway Servant (Discipline & Appeal) Rules 1968 and in violation of the provisions of section 25F and 25G of the I.D. Act. The Union further alleges that the railway has engaged such employees as had secured employment in the railway on the basis of fake service card the Union has therefore, prayed for the reinstatement of this workman with full back wages.

5. The case is contested by the railway management. The management plead that the management is not an industry nor it is governed by the provisions of I.D. Act. According to the management the workmen named in the reference order had procured employment in the railway on the basis of service card showing that they had previously worked in the railway which service cards, on inquiry, were found forged. Therefore, their appointments were void abinitio. Hence, the Union/workmen are not entitled to any relief.

6. In support of their respective cases neither side has led any oral evidence.

7. The legal points raised by the management that the railway administration is not an industry within the meaning of section 2(j) of the Act and that railway administration is not subject to the provisions of I.D. Act. have been considered by me earlier in many cases and I have held that the railway is an industry and that it is subject to the provisions of I.D. Act. I, therefore, see no ground to differ with the said view.

8. Ext. W.1 is the copy of order dt. 11-12-86 of Traffic Inspector, Mathura by means of which the services of the

workman Sri Prem Singh were to stand terminated after the expiry of the period of 15 days. In the subject of the order reference is made to termination of services of those whose service cards have been found fake.

9. In thus becomes evident from the order that no show cause notice was given to the workman Sri Prem Singh nor the copy of the material on the basis of which his service card was found as fake was ever supplied to him. Thus the management violated the principles of natural justice. Justice and fair play required that in such cases the employee should have been afforded an opportunity to explain his conduct having not done so, the order cannot be upheld. It is declared as void abinitio.

10. As regards back wages, it has been submitted by Sri Singh, the authorised representative for the Union that an order similar to one passed by C.A.T. Allahabad, in Registration O.A. No. 160 of 1989, Tula Ram Versus Union of India, and others the copy of which has been filed by the Union, in the case, should be passed. From the said order it appears that while reinstating the applicant Sri Tula Ram, C.A.T. did not allow payments of any back wages for the period from the date of termination to the date of reinstatement in the case. It further appears that the management was given liberty to conduct a proper inquiry in the matter of service card in accordance with the principles of Natural Justice and take suitable action according to law.

11. Hence held that the action of the management of Central Rly Jhansi in terminating the services of Sri Prem Singh workman is neither legal nor justified. Consequently the workman Sri Prem Singh is ordered to be reinstated in service but without back wage. Railway management is however, given liberty to conduct a proper inquiry in the matter of the service card produced by him in accordance with the principle of natural justice and take suitable action according to law. So far as the remaining workmen are concerned, the reference order is held to have become infructuous on account of the statement dt. 18-8-92 of Sri Singh, Auth. Rep. for the workman that their cases have already been decided in their favour. The reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 1992

का.प्रा. 2870.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डिपार्टमेंट आफ टेलीकाम लखनऊ के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पक्षपट को प्रकाशित करती है जो केन्द्रीय सरकार को 19-10-92 को प्राप्त हुआ था।

[सं० एल-40012/23/90-आईआर(डीयू) (पटी)]

के.वो.बी.उपनी, डेस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2870.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of D/o Telecom Lucknow and their workmen, which was received by the Central Government on 19-10-92.

[No. L-40012/23/90-IR (DU)(Pt.)]

K. V. B. UNNY., Desk Officer



ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 275 of 1990

In the matter of dispute between :

Sri Sakas,  
S/o Sri Manglu,  
C/o Sri Bhola Nath,  
252/10 Sashtri Nagar,  
Kanpur.

AND

Construction Officer,  
Telecom Lucknow

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-40012/23/90-IR (DU) 23-11-90 has referred the following dispute for adjudication to this Tribunal for adjudication :—

Whether the action of the Construction, Telecom, Lucknow in terminating the services of Sri Shakas s/o Bhagloo as casual labour w.e.f. 25-7-87 is justified ? If not, to what relief the workman concerned is entitled ?

2. This case is lingering on for want of affidavit evidence behalf of the workman since 24-10-91. Despite availing of several opportunities, the workman did not file his affidavit evidence in the case. It therefore appears that the workman is not interested in prosecuting the case any more. Therefore a no claim award is given against the workman.

3. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 1992

का.ग्रा. 2871—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्किऑलॉजिकल सर्वे ऑफ इण्डिया, आगरा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करता है जो केन्द्रीय सरकार को 19-10-92 को प्राप्त हुआ था।

[सं.एल-42012/275/90-आईआर(डीयू)(पार्ट)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2871.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India, Agra and their workmen, which was received by the Central Government on 19-10-1992

[No. L-42012/275/90-IR (DU)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 161 of 1991

In the matter of dispute between :

Sri Mangla,  
C/o Sri Surendra Singh,  
2/236 Namneir  
Agra.

AND

The Superintendent Archaeologist,  
A.S.I. 22-Mall,  
Agra.

AWARD

1. The Central Government, Ministry of Labour vide its notification No. L-42012/275/90-IR (DU) dated 21-9-91, has referred the following dispute for adjudication to this Tribunal :—

Whether the Superintendent Archaeologist, Archaeological Survey of India, Agra, was justified in terminating the services of Sri Mangla w.e.f. 19-3-88 ? If not, to what relief the workman concerned is entitled ?

2. The workman's case in short is that he had been in the employment of Archaeological Survey of India, Agra Circle, Agra as a class IV employee. He alleges that he had also been an active member of Archaeological Survey Mazdoor Union (Intuc) and as a member of the said Union, he had taken parts in the agitation launched by the Union against the management. The management, therefore, mala fide terminated his service w.e.f. 19-3-88, without complying with the provisions of section 25F of the I.D. Act and in violation of the provisions of section 25G of the Act. According to the workman, the management have regularised the services of even those employees who had been junior to him. He has, therefore, prayed for his reinstatement in service with full back wages and all benefits which are admissible to a regular employee.

4. On 14-9-92, the management filed an application with the prayer to reject the claim statement filed by the workman and return the reference to the Ministry of Labour for its conciliation. In the application it is alleged that in the reference order the name of the father of the workman is not given. Further in the claim statement the Trade, Place of Work and the periods of service rendered by the workman are not given. It is then stated that in class IV employees there is no man of the name of Sri Mangla.

4. This application came up for disposal on 15-9-92 with the claim statement the workman has filed photostat copy of proceedings dated 30-6-88 of ALC(C) Lucknow, wherein the terms of settlement are found given. It appears from the proceedings of ALC(C) Lucknow, that the President, Archaeological Survey Mazdoor Union (INTUC) had raised an industrial dispute before ALC(C) Lucknow by filing a petition on the point of regularisation of services of casual labours and also with regard to the alleged illegal termination of certain workman including the workman referred to by the present reference order. This document containing the terms of settlement was admitted by Sri Prakash Rao, the auth. representative for the management. In fact the terms of settlement bears his signatures on behalf of the management.

5. After the admission of the above mentioned document it was stated before the Tribunal by Sri Surender Singh auth. representative for the workman and Sri M. S. Prakash Rao, the auth. representative for the management that parties had not to lead any evidence in the case. It was further stated by Sri Rao that in view of the settlement dated 30-6-88, the question of filing of written statement in the case did not arise.

6. On that very date after recording the above statements of the authorised representatives for the parties I heard the arguments and reserved the case for award. So



far as the workman is concerned, his case is only covered by clause (5) of the terms of settlement from the said clause it appears that before the ALC(C) the parties had agreed that the remaining workmen including Sri Mangla workman would be engaged by the management as and when the work is available with the management. To my mind after this settlement it is not open to the workman to agitate the matter of alleged termination of his services w.e.f. 19-3-88, specially when settlement had taken place subsequent to the alleged date of termination. Therefore, dispute raised by the workman resulting in the making of the present reference order is misconceived.

7. It has been argued by Sri Surender Singh the authorised representative for the workman that since after the settlement dt. 30-6-88, the workman has not been engaged by the management the workman is entitled to raise such dispute. I do not subscribe to his view. Whatever dispute there was it stood settled by means of settlement dt. 30-6-88. Now if the workman feels that there has been any breach of the terms of the settlement by the management, he may raise a dispute for enforcing the terms of the settlement and seeking relief resulting from such terms.

8. Held that the dispute being misconceived, the workman is not entitled to challenge his alleged termination of services w.e.f. 19-3-88. Consequently, he is held entitled to no relief.

9. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 1992

का. आ. 2872 :—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रिय सरकार आर्किआलोजिकल सर्वे आफ इण्डिया, आगरा, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रिय सरकार औद्योगिक अधिकरण कानपुर के संघर्ष को प्रकाशित करता है जो केन्द्रिय सरकार को 19-10-92 को प्राप्त हुआ था।

[मं. एल.-42012/273/90-आईआर(डीयू) (पार्ट)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2872.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India, Agra and their workmen, which was received by the Central Government on 19-10-92.

[No. L-42012/273/90-IR(DU) (Pt.)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI ARJAN DEV PRESIDING  
OFFICER CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT  
PANDU NAGAR KANPUR

Industrial Dispute No. 158 of 1991

In the matter of dispute between :

Sri Biri Singh C/o Sri Surender Singh 2/236  
Namneir, Agra.

2685 GI/92—8

#### AND

The Superintending Archaeological A.S.I. Agra  
Circle 22-Mall Agra.

#### AWARD

1. The Central Government, Ministry of Labour vide its notification no. L-42012/273/90-I.R.(D.U.) dated 25-9-91, has referred the following dispute for adjudication :

“Whether the Superintending Archaeologist Archaeological Survey of India, Agra, was justified in terminating the services of Sri Beeri Singh w.e.f. 12-12-87 ? If not, to what relief the workman concerned is entitled ?

2. The workman's case in brief is that he had been in the employment of Archaeological Survey of India, Agra, Circle Agra as a class IV employee. He alleges that he had also been an active member of Archaeological Survey Mazdoor Union (Intuc) and as a member of the said Union, he said taken parts in the agitation launched by the Union against the management. The management, therefore, mala-fide terminated his services w.e.f. 12-12-87 without complying with the provisions of section 25F I.D. Act and in violation of the provisions of section 25G of the I.D. Act, 1947. According to the workman, the management have regularised the services of even those employees who had been junior to him. He has, therefore, prayed for his reinstatement in service with full back wages and all benefits which are admissible to regular employees.

3 On 14-7-92, the management filed an application with the prayer to reject the claim statement filed by the workman and return the reference to the Ministry of Labour for its cancellation. In the application it is alleged that in the reference order the name of the father of the workman is not given. Further in the claim statement the trade, place of work and the periods of service rendered by the workman are not given. It is then stated that in class IV employees there is no man of the name of Sri Beeri Singh.

4. This application came up for disposal on 15-9-92, with the claim statement the workman has filed the photostat copy of proceedings dt. 30-6-88 of ALC(C) Lucknow, wherein, the terms of settlement are found given. It appears from the proceedings of ALC(C) Lucknow that the President Archaeological Survey of Mazdoor Union (Intuc) had raised an industrial dispute before ALC(C) Lucknow by filing a petition on the point of regularisation of the service of the casual labours and also with regard to the alleged illegal termination of certain workmen including the workman referred by the present reference order. This document containing the terms of settlement was admitted by Sri Prakash Rao, the authorised representative for the management. In fact the terms of settlement bears his signatures on behalf of the management.

5. After the admission of the above mentioned document it was stated before the Tribunal by Sri Surender Singh, authorised representative for the workman and Sri M. S. Prakash Rao, the auth. representative for the management that parties had

not to lead any evidence in the case. It was further stated by Sri Rao that in view of this settlement dt. 30-6-88 the question of filing of written statement in the case did not arise.

6. On that very date after recording the above statements of the authorised representative for the parties I heard the arguments and reserved the case for award. So far as the workman is concerned, his case is only covered by Clause (ii) of the terms of the settlement from the said clause it appears that, before the ALC(C) the parties had agreed that the remaining workmen including Sri Beeri Singh workman would be engaged by the management as and when the work is available with the management. To my mind after this settlement it is not open to the workman to agitate the matter of alleged termination of his services w.e.f. 12-12-87 specially when settlement had taken place subsequent to the alleged date of termination. Therefore, the dispute raised by the workman resulting in the making of the present reference order is misconceived.

7. It has been argued by Sri Surender Singh, the authorised representative for the workman that since after the settlement dt. 30-6-1988, the workman has not been engaged by the management the workman is entitled to raise such dispute. I do not subscribe to his view. What ever dispute there was it stood settled by means of settlement dt. 30-6-88. Now if the workman feels that there has been any breach of the terms of the settlement by the management, he may raise a dispute for enforcing the terms of the settlement and seeking relief resulting from such terms.

8. Held that the dispute being misconceived the workman/Union is not entitled to challenge his alleged termination of services w.e.f. 12-12-87. Consequently, he is held entitled to no relief.

9 Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 1992

का.या. 2873—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार आर्कियालॉजिकल सर्वे आफ इंडिया के प्रबंधन के संबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 19-10-92 को प्राप्त हुआ था।

[सं.एन.-42012/280/90-आईआर(डु)(पट्टी)]

के वी.बी. उन्नी, डेस्क ऑफिसर

New Delhi, the 20th October, 1992

S.O. 2873.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Archaeological Survey of India and their

workmen, which was received by the Central Government on 19-10-92.

[No. L-42012/280/90-IR (DU)(Pt.)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 165 of 1991

In the matter of dispute

BETWEEN :

Om Prakash

C/o Shri Surender Singh  
2/236, Nalamair,  
Agra.

AND

The Superintendent Archaeological  
A.S.I. Agra Circle  
22-Mall Agra.

#### AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-42012/280/90-IR(D.U.) dated 25-9-91, has referred the following dispute for adjudication—

"Whether the Superintendent Archaeologist, Archaeological Survey of India, Agra, was justified in terminating the services of Shri Om Prakash w.e.f. 6-2-87? If not, to what relief the workman concerned is entitled to?

2. The workman's case in brief is that he has been in the employment of Archeological Survey of India, Agra, Circle Agra as class IV employee. He alleges that he had also been an active member of Archaeological Survey Mazdoor Union (Intuc) and as a member of the said Union, he had taken parts in the agitation launched by the Union against the management. The management, therefore, mala fide terminated his services w.e.f. 6-2-87 without complying with the provisions of section 25F I.D. Act and in violation of the provisions of section 25G of the I.D. Act, 1947. According to the workman, the management have regularised the services of even those employees who had been junior to him. He has, therefore, prayed for his reinstatement in service with full back wages and all benefits which are admissible to regular employees.

3. On 14-9-92, the management filed an application with the prayer to reject the claim statement filed by the workman and return the reference to the Ministry of Labour for its cancellation. In the application it is alleged that in the reference order the name of the father of the workman is not given. Further in the claim statement the trade, place of work and the periods of service rendered by the workman are not given. It is then stated that in class IV employees there is no man of the name of Sri Om Prakash.

4. This application came up for disposal on 15-9-92, with the claim statement the workman has filed the photostat copy of proceedings dt. 30-6-88 of ALC(C), Lucknow, wherein, the terms of settlement are found given. It appears from the proceedings of ALC(C) Lucknow that the President, Archaeological Survey Mazdoor Union (INTUC) had raised an industrial dispute before ALC(C) Lucknow by filing a petition on the point of regularisation of the services of the Casual labours and also with regard to the alleged illegal termination of certain workmen including the workman referred by the present reference order. This document containing the terms of settlement was admitted by Sri Prakash Rao, the authorised representative for the management. In fact the terms of settlement bears his signatures on behalf of the management.

5. After the admission of the above mentioned document it was stated before the Tribunal by Sri Surender Singh authorised representative for the workman and Sri M. S. Prakash Rao, the auth. representative for the management that parties had not to lead any evidence in the case. It was

further stated by Sri Rao that in view of this settlement dt. 30-6-88 the question of filing of written statement in the case did not arise.

6. On that very date after recording the above statements of the authorised representative for the parties I had the arguments and reserved the case for award. So far as the workman is concerned, his case is only covered by Clause (ii) of the terms of the settlement from the said clause it appears that before the ALC(C) the parties had agreed that the remaining workmen including Sri Om Prakash workman would be engaged by the management as and when the work is available with the management. To my mind after this settlement it is not open to the workman to agitate the matter of alleged termination of his services w.e.f. 6-2-87 specially when settlement had taken place subsequent to the alleged date of termination. Therefore, dispute raised by the workman resulting in the making of the present reference order is misconceived.

7. It has been argued by Sri Surender Singh, the authorised representative for the workman that since after the settlement dt. 30-6-88, the workman has not been engaged by the management the workman is entitled to raise such dispute. I do not subscribe to his view. Whatever dispute there was it stood settled by means of settlement dt. 30-6-88. Now if the workman feels that there has been any breach of the terms of settlement by the management, he may raise a dispute for enforcing the terms of the settlement and seeking relief resulting from such terms.

8. Held that the dispute being misconceived the workman is not entitled to challenge his alleged termination of services w.e.f. 6-2-87. Consequently, he is held entitled to no relief.

9. Reference is answered accordingly.

ARIAN DEV, Presiding Officer

नई दिल्ली, 20 अक्टूबर 1992

का० अ० 2874.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बेज्झिह कोलिअरी आफ मैसर्स ई सी लि., के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसंसोल के पंचरट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/10/92 को प्राप्त हुआ था।

[संख्या एल-22012/440/91-आईआर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2874.—In pursuance Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Bejdih Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 17-10-1992.

[No. L-22012/44/91-IR(CII)]

RAJA LAL Desk Officer.

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 27/92

#### PRESENT :

Shri N. K. Saha, Presiding Officer.

#### PARTIES :

Employers in relation to the Management of Bejdih Colliery of M/s. E.C. Ltd.

AND

Their workman.

#### APPEARANCES :

For the Employers.—None.

For the Workman.—None.

INDUSTRY : Coal STATE : West Bengal

Dated, the 22nd September, 1992

#### AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/441/91-IR(C.II) dated the 16th June, 1992.

#### SCHEDULE

"Whether the action of the Agent, Bejdih-Mithani Collieries M/s. E.C. Ltd., P.O. Sitarampur, Dist. Burdwan in denying the pay protection of Smt. Lakhi Debi, General Kamin w.e.f. 1-7-91 is justified? If not, to what relief the concerned workman is entitled?"

2. Neither party is present today (22-9-1992) and no step is taken by any of the parties.

3. The present Reference was received by this Tribunal on 24-6-1992. Then a regd. notice was issued to both the parties fixing 10-7-1992 for filing written statement. The notice was duly served upon the Vice-President of the union on 2-7-1992. On 10-7-1992 Sri D. Kumar, Dy. Personnel Manager for the management was present. Shri Bijay Kumar, Joint Secretary of the union was also present. On the prayer of the union 29-7-1992 was fixed for filing written statement by the union. On 29-7-1992 Sri D. Kumar, Dy. Personnel Manager of the management was present. But none appeared for me union. For ends of justice 12-8-1992 was fixed for filing written statement by the union. On 12-8-1992 Sri D. Kumar, Dy. Personnel Manager of the management was present. Shri S. K. Jha, Vice-President of the union came to this Tribunal in connection with another case and took a note of this case on behalf of the union and he undertook to file written statement of the union on the next date. So 31-8-1992 was fixed for filing written statement of the union. On 31-8-1992 neither party was present and no step was taken by any of the parties. However for ends of justice the case was adjourned to 8-9-1992 for

filing written statement of the union. On 8-9-1992 neither party was present and no step was taken. So for ends of justice the case was adjourned to 22-9-1992 for written statement by the union. But today also both the parties are absent and no step is taken.

4. From the conduct of the union it appears to me that the union is no longer interested to proceed with the case. As such I have no other alternative but to pass a no dispute award. Accordingly a no dispute award is passed in this case.

N. K. SAHA, Presiding Officer.

नई दिल्ली, 20 अक्टूबर, 1992

का. आ. 2875.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सत्यग्राम एरिया आफिस अन्डर ई सी एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/10/92 को प्राप्त हुआ था।

[संख्या एल-19012/6/86-डी-4 (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2875.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Satgram Area Office under E.C. Ltd. and their workmen, which was received by the Central Government on 17-10-1992.

[No. L-19012/6/86-D.IV(B)]

RAJA LAL, Desk Officer.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 67 of 1986

#### PARTIES :

Employers in relation to the management of Satgram Area Office under E.C.L.

AND

Their Workmen.

#### PRESENT :

Mr. Justice Manash Nath Roy, Presiding Officer.

#### APPEARANCES :

On behalf of Management.—Mr. P. Banerjee, Advocate.

On behalf of Workmen.—Mr. A. K. Das, Advocate.

STATE : West Bengal

INDUSTRY : Coal

#### AWARD

By Order No. L-19012/6/86-D.IV(B) dated October 23, 1986, the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :

“Whether the Management of Satgram Area Office under E.C. Ltd., P.O. Devchand Nagar, Distt. Burdwan was justified in dismissing Sri Arun Kumar Chatterjee, Asstt. Foreman (Vehicle) from service? If not, to what relief the workman is entitled?”

2. When the matter was called today, the learned representatives appearing for the parties stated that the matter has been settled between the parties out of court and on that basis the employee concerned was reinstated in service.

3. In fact, Mr. Das appearing for the employee has filed a xerox copy of the Company's letter dated March 12, 1992 addressed to his client, which also testified the above fact.

4. On the basis of the submissions as indicated and the letter as filed, I find, and that too, in agreement with learned representatives appearing before me that the reference is no longer required to be dealt with or considered on merits.

5. As such the reference is disposed of.

Dated, Calcutta.

The 16th September, 1992.

MANASH NATH ROY, Presiding Officer.

नई दिल्ली, 20 अक्टूबर, 1992

का. आ. 2876.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार साऊथ ईस्ट कोलफील्ड्स लि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/10/92 को प्राप्त हुआ था।

[संख्या एल—19012/28/87 डी-4 (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2876.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of South Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 17-10-92.

[No. L-19012/28/87-D.IV (B)]

RAJA LAL, Desk Officer

## ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR  
PRESENT:

Sri R. K. Dash, I.L.B., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

Industrial Dispute case No. 68 of 1987 (Central)

Dated, Bhubaneswar, the 10th September, 1992.  
Between:

The Management of South Eastern Coalfields Ltd., At/P.O. Dera Colliery, Via, Talcher, Dist : Dhenkanal.  
...First Party-management.

(And)

Their workmen represented through Deulbera Colliery Employees Union, At/P.O. Deulbera Colliery, Dist. Dhenkanal.

.....Second party-workmen.

## APPEARANCES:

Sri K. K. Singh, Personnel Manager and Sri A. K. Patra, Personnel Officer—For the first party-management

Sri D. B. Misra, Working President.

AND

Sri B. S. Misra, General Secretary of the Union—for the second party-workmen.

## AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have retired the following dispute for adjudication by this Tribunal vide their Order No. L-19012(28)/87-D.IV(B) dated 23-9-87:—

"Whether the demands of the Miner Time Keepers S/Sri R. P. Yadav, Sudarsan Mohanty, Benudhar Mohapatra, Maheswar Naik of Deulbera Colliery of M/s. S.E.C. Ltd., and Sri Narasingha Rao of Handidhwa Colliery of M/s. S.E.C. Ltd. that they (a) should be paid equal salary at par with the salary of Attendance Clerks/LDC/Typist/Register Keepers/Time Keepers w.e.f. 26-6-78, (b) should have been incorporated in the common seniority list of LDC/Typist/Attendance Clerks/Register Keepers as on 26-6-78 and should have been considered for the post of UDC/Head Time Keepers are justified? If so, to what relief the concerned workmen are entitled?"

2. Shown of all details, the case of the workmen is that previously the two collieries in question, namely, Handidhwa and Deulbera were under the administrative control of the Central Coalfields Ltd. The representatives of the management as well as the unions held a meeting on 6-9-78 and decided that the existing separate cadre for time keeping personnels would be merged with the general clerical cadre in order to give promotional benefit to the time-keeping personnels and while doing so, their seniority would be maintained. Thereafter the management observing necessary formalities as required u/s. 9-A of the Industrial Disputes Act, (for short 'Act') issued three circulars in that regard.

The lowest rung of the ladder of the time keeping personnels is known as Miners' Time Keeper. His duties and responsibilities are equal to that of the time keeper, Register Keeper and Attendance Clerk working in different collieries as specified in Column-57 of the Coal Mines Regulation, 1957. Keeping in view the decision to abolish the separate cadre of time keepers, the management merged the time keeping personnels in the general clerical cadre and clubbed together the Miners' Time Keepers, Time Keepers, Register Keepers and Attendance Clerks with L.D.Cs./Typists of the general clerical cadre and drew up a combined seniority list of the employees leaving aside these five affected workmen who were upgraded to Clerks Grade-II only from 1-3-84. Till then they continued in the cadre of Miners' Time Keepers and were not given pay scales equal to that the L.D.Cs./typists of the general cadre on the plea that they being non-matriculants were eligible to the scale of pay applicable to the

Semi-Clerk in the posts of Miners' Time Keepers, appointments had been given to both matriculates and non-matriculants. Different scales of pay were prescribed for the Matriculate Miners' Time Keepers and non-matriculate Miners' Time Keepers although their duties and responsibilities were the same and similar. To do away with the afore-said inequality the management passed order on 29-8-62 (Part. 8) to give all the Miners' Time Keepers equal monetary benefit on the principle of 'equal pay for equal work.'

The management, however, did not consider the case of these five affected workmen to bring them to the general clerical cadre and pay them equal salaries although it extended such benefits to some of the Miners' Time Keepers who are even non-matriculants. In the premises, they have, therefore, prayed for justice caused to them should be done away with and the pay scales of the L.D.Cs. and Typists should be made extended to them from 26-6-78 and their names should be included in the combined seniority list of the general Clerical cadre. In so far as the case of workmen Sri Sudarsan Mohanty is concerned, it is urged that he being a Miners' Time Keeper of Deulbera Colliery be given the pay scale of L.D.C./Typists from the date of his promotion i.e., 26-6-78 and his name should be included in the combined seniority list of L.D.Cs./Typists.

3. The management has filed written statement denying all the claims of the workmen as aforesaid. It is urged that these five affected workmen are being paid wages to which they are eligible and their seniority has never been overlooked. Their claim to treat them equal with that of Attendance Clerks w.e.f. 26-6-78 is unjustified. The posts of a Miners' Time Keeper, Time Keeper, Register Keeper and Attendance Clerk are distinct and separate. Miners' Time Keepers belong to Grade-III whereas Time Keepers, Register Keepers and Attendance Clerks are of Grade-II and their nature of duties are quite different. Miners' Time Keepers are engaged as helpers to the Chief Time Keeper and Attendance Clerk. The assertion of the workmen that some of their co-workers working as Miners' Time Keepers have been brought under the general clerical cadre is absolutely false and baseless. The management, however, admits that L.D.Cs./Typists/Attendance Clerks/Register Keepers have been brought under the common seniority list of Clerical cadre vide circular dated 23-2-79 and the same has been given effect to from 26-6-78. In so far as the present five affected workmen are concerned, they being the Miners' Time Keepers the aforesaid circular is not applicable to them and therefore, they have no right to claim to be brought under the aforesaid cadre with equal financial benefits.

4. Keeping in view the pleadings of the parties, the following issues are settled:—

- (1) If the reference is maintainable?
- (2) Whether the Miner Time Keepers, R. P. Yadav, Sudarsan Mohanty, Benudhar Mohapatra, Maheswar Naik, of Deulbera Colliery of S. E. C. Ltd. and Narasingh Rao of Handidhwa Colliery of S.E.C. Ltd. should be paid equal salary at par with the salary of Attendance Clerk/L.D.C./Typist/Register Keepers/Time Keepers with effect from 26-6-78?
- (3) Whether the names of Miner Time Keepers R. P. Yadav, Sudarsan Mohanty, Benudhar Mohapatra, Maheswar Naik of Deulbera Colliery and Narasingh Rao of Handidhwa Colliery of S.E.C. Ltd. should have been incorporated in the common seniority list of L.D.C./Typist/Attendance Clerks/Register Keepers as on 26-6-78?
- (4) Whether the Miner Time Keepers, R. P. Yadav, Sudarsan Mohanty, Benudhar Mohapatra, Maheswar Naik of Deulbera Colliery and Narasingh Rao of Handidhwa Colliery of M/s. S.E.C. Ltd. should have been considered for the post of U.D.C./Head Time Keepers?
- (5) To what relief, if any, the workmen are entitled?

## 5. ISSUE NO. 1 :

As regards the maintainability of the reference is concerned, the management in course of argument has not urged

as to how the reference can be held to be not maintainable. However, for academic purpose, I would like to give a brief finding as to whether the present dispute or difference is an 'Industrial Dispute' as defined under the Act which gives jurisdiction to the Tribunal to decide the same. An industrial dispute can be said to exist when both employer and a workman are at variance and the dispute or difference is connected with employment or non-employment or terms of employment or with conditions of labour. Such dispute need not be a conflict of economic dispute. An industrial dispute is usually thought of as a dispute concerned with what the terms of employment ought to be. In the present case, the grievance of the aggrieved workmen is that by over-looking their legitimate claim the management put their counterparts who are even junior to them in Clerical Grade-II and paid them higher scale of pay.

Keeping in view the definition of 'Industrial Dispute' and the claim of the aggrieved workmen, I would unhesitatingly hold that the present reference is maintainable and this Tribunal inheres jurisdiction to adjudicate the same.

6. ISSUE NOS. 2 and 3.—For the sake of convenience these two issues are taken-up simultaneously for consideration. Management's plea in the written statement is that nature of duties of the Miners' Time Keepers as well as Time Keepers/ Register Keepers and Attendance Clerks are quite distinct and separate. In view of such stand, it is for the workmen to prove by leading acceptable evidence that the duties which they being the Miners' Time Keepers have been performing are the same and similar and therefore, they are entitled to equal pay at par with their counterparts working as Time Keepers/ Register Keepers/Attendance Clerks etc. They are further to satisfy from the available evidence that their names ought to have been incorporated in the common seniority list of the L.D.Cs./Typists/Attendance Clerks published earlier.

Before venturing to the evidence both oral and documentary to arrive at a finding on the issues involved in the case, it is necessary to set-out the principle of law relating to 'equal pay for equal work'. Their Lordships of the Hon'ble Supreme Court in the case of *Y. K. Mohla and others Vrs. Union of India* and another, reported in 1980 (M.L.J. 225 have laid down that the principle of 'equal pay for equal work' should be extended to the employees holding the same and similar post, possessing the same qualification and doing same kind of work and if that principle is not followed it would amount to discrimination which is violative of Articles 14 and 16 of the Constitution. The relevant portion of the judgment as mentioned in paragraph 11 is extracted hereunder :—

"xx xx xx xx When two posts under two different wings of the same Ministry are not only identical but also involve the performance of the same nature of duties, it will be unreasonable and unjust to discriminate between the two in the matter of pay. One of the Directive Principles of State Policy, as embodied in clause(d) of Article 39 of the Constitution is equal pay for equal work for both men and women. The provision of Article-39(d) has been relied upon by the petitioners. The Directive Principles contained in Part-IV of the Constitution, though not enforceable by any court, are intended to be implemented by the State of its own accord so as to promote the welfare of the people. Indeed, Article-37 provides, inter alia, that shall be the duty of the State to apply these principles in making laws. Even leaving out of our consideration Article 39(d) the principle of "equal pay for equal work", if not given effect to in the case of one set of Government servants holding same or similar posts, possessing same qualifications and doing the same kind of work as another set of Government servants, it would be discriminatory and violative of Articles 14 and 16 of the Constitution. xx xx xx xx."

In another decision reported in (1989) 3 S.C.C. at page 191 (*V. Marikandey & others Vrs. State of Andhra Pradesh & others*), their Lordships of the Hon'ble Supreme Court

while reiterating the aforesaid principle of equal pay for equal work have observed thus:—

"xx xxx xx xx The purpose of Article 39(d) is to fix certain social and economic goals for avoiding any discrimination amongst the citizens doing similar work in matters relating to pay. If the court finds that discrimination is practised amongst two sets of employees similarly situated in matters relating to pay, the court must strike down discrimination, and direct the State to adhere to the doctrine of "equal pay for equal work" as enshrined in Article 39(d) of the Constitution. Fundamental rights, and the directive principles constitute "conscience of the Constitution". The Constitution aims at bringing about a synthesis between "Fundamental Rights" and "Directive Principles of State Policy" by giving to the former a place of pride and to the latter a place of permanence, together they form core of the Constitution. They constitute its true conscience and without faithfully implementing the Directive Principles it is not possible to achieve the welfare State contemplated by the Constitution, see *Kesavananda Bharati V. State of Kerala*."

From the aforesaid dictums, it is made clear that two persons holding the same and similar post, performing the same and similar work and possessing the same qualification as prescribed, should be treated equal in so far as the matter relating to their pay is concerned. Keeping in view the legal position in mind, it is now to be seen from the evidence if the present five affected workmen have been denied of equal pay for doing same and similar nature of work as is being done by the Attendance Clerks, Register Keepers and Time Keepers. I shall first refer to the evidence of the management witnesses because there are certain unequivocal admissions which go a long way to support the case of the workmen. Witness No. 1 for the management is the Chief Time Keeper of Deulbera Cohortery. As stated by him, one Kamadev Tunga was working as Miners' Time Keeper in Clerk Grade-II till he retired. The present five affected workmen being the Miners' Time Keepers had been working in rotation alongwith Sri Tunga in different shifts.

Clause-57 of Coal Mines Regulations, 1957 provides that a person appointed to keep register or other records required to be kept by or under the Regulations or orders made thereunder or to make entries therein, shall make necessary entries therein. In so far as Attendance Clerk is concerned, it envisages that during the working hours the Attendance Clerk shall remain in duty in the attendance cabin provided near the working place. Keeping in view the nature of duties of the Register Keepers and Attendance Clerks enumerated in Clause-57 coupled with the evidence of M.W.1 referred to above, I have absolutely no doubt in my mind that the present five affected workmen being Miners Time Keepers performed the same and similar nature of duties equal to that of their counterparts, namely, Attendance Clerks, Time Keepers and Register Keepers and in this view of the matter, they are in my opinion, entitled to equal pay scales.

Miners' Time Keepers are being treated as belonging to separate cadre though there is no rule, regulation or administrative order of the management to that effect. They are considered as junior to L.D.Cs./Attendance Clerks/ Register Keepers and Time Keepers. As deposed to by M.W.1, Miners' Time Keepers are in Clerical Grade-III cadre which is considered as a junior Grade to Clerk Grade-II. To prove the justifiability in treating the Miners' Time Keepers as junior in rank to L.D.Cs./Typists/ Register Keepers/Attendance Clerks/Time Keepers, the management tried to develop the story by adducing evidence through the mouth of M.W.2 that the Miners' Time Keepers are less qualified and they being non-matriculantes are given promotion to Grade-II cadre only when they come out successful in a test conducted for the purpose. From the available evidence it appears that the management, conducted a test in the year 1983 in so far as one of the affected workmen, namely, R. P. Yadav is concerned. (See Exts. F, G & H). The

management however, has not taken such stand in the pleading that the Miners' Time Keepers are required to appear in a test and that one of the workmen Sri Yadav appeared such test in 1983. Further, except leading oral evidence as aforesaid, no documentary evidence has been brought in evidence to show that there is any circular or administrative order for holding such test to bring the Miners' Time Keepers to the cadre of Grade-II. On the other, hand, the workmen in order to show that grave injustice has been caused to them by the management have proved Ext. 12, a seniority list of L.D.Cs./Typists etc. wherein it is mentioned that Sri D. R. Das and S. Das, the two Miners' Time Keepers being non-matriculants have been promoted and their seniority has been given effect to from 1-5-75 and 21-3-79 respectively. There is absolutely no evidence on record that they being non-matriculants appeared in any such test and came out successful. If the qualification is the criterion to bring the Miners' Time Keepers to Grade-II Cadre then in that case the aforesaid two persons could not have been brought to the said cadre. Sri D. R. Das was initially appointed on 25-4-1962 and one Sri S. Das was appointed on 13-9-1962. Of the five affected workmen, R. P. Yadav denied his service on 30-1-1961. For the sake of argument if it is believed that the aforesaid two employees who have been brought to the cadre of Grade-II and kept in the seniority list had appeared any test or examination, there is no reason as to why such test or examination was conducted in the case of Sri Yadav only in 1983 but not earlier.

With regard to the remaining four affected workmen, there is absolutely no evidence worth-the-name to show that they were at all invited to any such test or examination. In view of this matter, I am unable to accept the plea taken by the management that passing of a test or examination is mandatory for the non-matriculants Miners' Time Keepers to come over to Grade-II cadre. Ext. 12, the seniority list indicates that there are many non-matriculants who have been brought in the seniority list in Grade-II cadre of L.D.Cs./Typists etc. Over and above the aforesaid documentary evidence, the unchallenged testimony of W.W.1 would show that J. B. Nayak, C. Nayak and S. Das who were initially appointed as Miners' Time Keepers have in the meantime been promoted to the post of Head Time Keeper and Chief Time Keeper whereas the case of Sri R. P. Yadav, one of the affected workmen being senior to them have been over-looked.

7. On a scrutiny of the evidence, both oral and documentary, adduced by the parties I have absolutely no hesitation in my mind to conclude that the present five affected workmen being the Miners' Time Keepers though are doing the same and similar work to that of their counterparts, namely, Time Keepers/Attendance Clerks Register Keepers have been treated differently. Even some of the Miners' Time Keepers being non-matriculants have been brought to the cadre of Grade-II by the management over-looking the case of the present five affected workmen. In my opinion, therefore, the workmen S/Sri R. P. Yadav, Braudhar Mohapatra, Narasimha Rao and Maheswar Naik should be brought to the cadre of Grade-II from 26-6-78 and in so far as the workman Sri Sudarsan Mohanty is concerned, he be brought to the cadre of Grade-II from 26-9-80, on which date, on his own admission in the written statement he is entitled to come to the said cadre. The management, is, therefore, directed to bring them in the cadre of Grade-II from the dates as aforesaid and while doing so, their names should be incorporated in the seniority list. After such incorporation their cases should be considered for promotion to the post of U.D.C./Head Time Keeper if they are found to be senior in service to those of the U.D.Cs., Head Time Keepers. While bringing them to the cadre of Grade-II and giving them promotional benefit, the management is also directed to give them financial benefits as has been given to the employees of Grade-II cadre as well as U.D.Cs. and Head Time Keepers.

Dictate & corrected by me.

R. K. DASH, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 1992

का. भा. 2877.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिरपुर कोलरी आफ मैनेजर्स ई.सी.एल. के प्रभुत्व में के संवर्ध नियोजकों और उनके कार्यरतों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-10-92 को प्राप्त हुआ था।

[संख्या एल-22012/303/91आई आर(सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2877.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sripur colliery of M/s B.C. Ltd. and their workmen, which was received by the Central Government on 17-10-1992.

[No. L-22012/303/91-IR.(II)]  
RAJA LAL, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 18/92

#### PRESENT :

Shri N.K. Saha,  
Presiding Officer.

#### PARTIES :

Employers in relation to the Management of Sripur Colliery of M/s. E.C. Ltd.

AND

Their Workman.

#### APPEARANCES :

For the Employers.—Sri B. Banerjee, Advocate.

For the Workman.—Sri S.K. Jha, Vice-President of the Union

INDUSTRY: Coal.

STATE: West Bengal.

Dated, the 18th September, 1992

#### AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/303/91-IR(C.II) dated the 7th April, 1992.



## SCHEDULE

"Whether the management of Sripur (R) Colliery under M/s. E.C. Ltd., P.O. Kalipaheri, Dist. Burdwan, in dismissing Sri Bastewar Dayal, Clerk w.e.f. 20-2-86 during pendency of Criminal proceedings was justified? If not, to what relief the workman was entitled to?"

2. To-day (18-9-92). Sri S. K. Jha, Vice-President of the concerned union submits that he has no instruction from his client and accordingly he does not want to proceed with the case.

3. In view of the circumstances I have no other alternative but to pass a no-dispute award. Accordingly a no-dispute award is passed in this case.

N. K. SAHA, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 1992

का.आ. 2878:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिरीपुर एरिया वर्कशॉप आफ मैन्स ई सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसंसोल के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-10-92 को प्राप्त हुआ था।

[संख्या एल-22012/296/91-आई धार (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2878.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sri Pur Area Workshop of M/s. E. C. Ltd. and their workmen, which was received by the Central Government on 17-10-92.

[No. L-22012/296/91-IR CC-II]

RAJA LAL, Desk Officer.

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 20 of 1986

## PARTIES :

Employers in relation to the management of Naba Kajora Colliery of Eastern Coalfields Limited.

## AND

Their workmen.

## PRESENT :

Mr. Justice Manash Nath Roy.—Presiding Officer.

## APPEARANCE :

On behalf of Management.—Mr. P. Banerjee, Advocate.

On behalf of Workmen.—Mr. A. K. Das, Advocate.

STATE : West Bengal.

INDUSTRY : Coal.

## AWARD

By Order No. L-10012/46/85-D-IV(B) dated 7-2-1986 the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of Naba Kajora Colliery of Eastern Coalfields Limited, P.O. Kajoramgram (Burdwan) in not employing Shri Gandharba Sen Roy, an employee of the Management of Real Kajora Colliery as a Trammer in Cat. III is justified? If not, to what relief the workman concerned is entitled?"

2. When this matter was called out, Mr. Das appearing for the Union stated that the Union is no longer interested in the reference or to proceed with the same. An application was filed through Shri Sunil Dey, Vice President of Colliery Mazdoor Sabha of India (CITU) in this regard.

3. Such being the position, and on the statement as made, without going into the merits, I reject the reference.

This is my Award.

Dated, Calcutta,

The 24th September, 1992.

MANASH NATH ROY, Presiding Officer.

नई दिल्ली, 20 अक्टूबर, 1992

का.आ. 2879:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बंसरा कोदयारी आफ बर्दयान के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-10-92 को प्राप्त हुआ था।

[संख्या एल-19012/17/86-डी-IV (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 20th October, 1992

S.O. 2879.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bansara Colliery of Burdwan and their workmen, which was received by the Central Government on 17-10-1992.

[No. L-19012/17/86-D-IV(B)]

RAJA LAL, Desk Officer



## ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL AT CALCUTTA

Reference No. 76 of 1986

## PARTIES :

Employers in relation to the management of  
Bansra Colliery, P.O. Raniganj, District  
Burdwan.

## AND

Their Workmen.

## PRESENT :

Mr. Justice Manash Nath Roy.—Presiding Offi-  
cer.

## APPEARANCES :

On behalf of Management—Mr. P. Banerjee,  
Advocate.

On behalf of Workmen—Mr. A. K. Das, Ad-  
vocate.

STATE : West Bengal.

INDUSTRY : Coal.

## AWARD

By Order No. L-19012/17/86-D.IV(B) dated  
2-11-1986 the Government of India, Ministry of  
Labour referred the following dispute to this Tribunal  
for adjudication :

“Whether the Management of Bansra Colliery,  
P.O. Raniganj, District Burdwan(WB) is  
justified in not granting pay protection to  
their workmen named S/Shri Dhanpat Yadav  
and Jokhan Kahar while regularising them  
as Security Guards? If not, to what relief  
the workmen concerned are entitled?”

2. When the matter was called out, Mr. Das appear-  
ing for the Union stated that the Union is no longer  
interested in the reference or to proceed with the  
same. An application was filed through Shri Sunil  
Dey, Vice President of Colliery Mazdoor Sabha of  
India(CITU) in this regard.

3. Such being the position and on the statement as  
made, without going into the merits, I reject the re-  
ference.

This is my Award.

MANASH NATH ROY,  
Presiding Officer

Dated, Calcutta,  
The 24th September, 1992.

नई दिल्ली, 21 अक्टूबर, 1992

का.भा. 2880.—औद्योगिक विवाद अधिनियम, 1947  
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार  
सिरीपुर एरिया वर्क्सशॉप आफ मैसर्स ई सी एल के प्रबंधन  
के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध  
में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक  
अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है,  
जो केन्द्रीय सरकार को 17-10-92 को प्राप्त हुआ था।

[संख्या एल-22012/296/91-आई.आर. (सी-II)

राजा लाल, डेस्क अधिकारी]

2685 GI/92—9

New Delhi, the 21st October, 1992

S.O. 2880.—In pursuance of Section 17 of the  
Industrial Disputes Act, 1947 (14 of 1947), the  
Central Government hereby publishes the award of  
the Central Government Industrial Tribunal,  
Asansol as shown in the Annexure, in the industrial  
dispute between the employers in relation to the  
management of Sripur Area Workshop of M/s. E.C.  
Ltd. and their workmen, which was received by the  
Central Government on 17-10-92.

[No. L-22012/296/91-IR C-II]

RAJA LAL, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 24/92

## PRESENT :

Shri N. K. Saha, Presiding Officer.

## PARTIES :

Employers in relation to the Management of Sri  
pur Area Workshop of M/s. E.C. Ltd.

## AND

Their Workman.

## APPEARANCE :

For the Employers—Shri P. Banerjee, Advocate.

For the Workman—Shri B. Kumar, Jt. Secre-  
tary of the Union.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 25th September, 1992

## AWARD

The Government of India in the Ministry of  
Labour in exercise of the powers conferred on them  
by clause (d) of sub-section (1) and sub-section  
(2A) of Section 10 of the Industrial Disputes Act,  
1947, has referred the following dispute to this Tri-  
bunal for adjudication vide Ministry's Order No. L-  
22012(296)/91-IR(C. II) dated the 21st May, 1992.

## SCHEDULE

“Whether the management of Sripur Area Work-  
shop of M/s. E.C. Ltd., P.O. Sripur Bazar,  
District Burdwan in dismissing Seikh Mukim  
Khan, Heavy Tyndal under letter No. GM/  
SA/C-6/9/84/2216 dated 6-9-84 of the  
General Manager, Sripur Area, was just-  
ified? If not, to what relief the workman  
is entitled to?”

2. To-day (25-9-92) Sri Bijoy Kumar, Joint Secre-  
tary of the concerned union submits that he has no  
instruction from his client and hence he does not  
want to proceed with the case.

3. In view of the circumstances I have no other  
alternative but to pass a no-dispute award and ac-  
cordingly a no-dispute award is passed in this case.

N. K. SAHA, Presiding Officer.

नई दिल्ली, 21 अक्टूबर, 1992

का.आ. 2881 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अंतर्गत् में केन्द्रीय सरकार महावीर कोलियरी आफ मैसर्स ईस्टर्न कोलफील्ड्स लि. के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुब्रंघ में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 17-10-92 को प्राप्त हुआ था।

[संख्या : एन-19012/120/86 डी-IV(बी)]  
राजा लाल, डेस्क अधिकारी

New Delhi, the 21st October, 1992

S.O. 2881.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mahabir Colliery of Messrs Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 17-10-1992.

[No. L-19012/120/86-D-IV(B)]

RAJA LAL, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 45 of 1988

#### PARTIES :

Employer in relation to the management of Mahabir Colliery of Messrs Eastern Coal Fields Limited.

#### AND

Their workman

PRESENT : Mr. Justice Manash Nath Roy  
Presiding Officer.

#### APPEARANCES :

On behalf of Employers  
Mr. R. S. Murthi,

Advocate

On behalf of Employee

Mr. D. L. Sen Gupta, Sr. Advocate with  
Mr. Saibal Mukherjee, Advocate.

STATE : West Bengal. INDUSTRY : Coal.

#### AWARD

The action of the management of Mahabir Colliery of Messrs. Eastern Coal Fields Limited (hereinafter called as the said Colliery), in denying Grade 'C' to one Badri Prasad, Assistant Supervisor (hereinafter referred to as the said employee) if, justified or not and to what relief, he was entitled was in issue in this proceeding, which was referred for adjudication by an Order of Reference No. L-19012/120/86-D.

IV(B) dated April 23rd 1987. The case of the said employee was represented by the Colliery Mazdoor Congress (hereinafter referred to as the said Union).

2. The said Union has stated that the said Colliery and one Kunustoria Colliery under Raniganj Coal Field, amongst many others, belong to Eastern Coal Fields Limited and although in the pre nationalised period, the said two Collieries were under two separate Private Employers, after Nationalisation of the Coal Mines in 1973, by operation of law, all employees of those two Collieries, including other private Collieries, as a matter of course, became the employees of National Coal Mines and under the same employer, subject to the same Rules and Conditions of service and the services of all the existing employees of such private employers, having been taken with continuity of service, the services of the said employees, who joined Mahabir Colliery in 1971, as will appear from the 'B' Form Register amongst others, were also taken under the Nationalised Coal Mines and in fact, prior thereto, the said employee had put in 17 years of service.

3. It was the case of the said Union that previously, the said employee was designated as a Mason and was paid accordingly, even though he was made to work as a Mason Supervisor and ultimately, in recognition of his services, he was promoted to the post of Mason Supervisor under Clerical Grade III, by an order dated February 8, 1978, whereupon, his basic pay was fixed at Rs. 354 per month and prior thereto, he was under the category of worker grade IV, at a daily rate of Rs. 12.75 p. and was also entitled to other benefits.

4. It has been alleged that at about the same time, one Sri A. K. Das Gupta, was attached to Damoda (N) Colliery, as a Mason Mazdoor on daily rate of Rs. 10.0 p. as basic and was entitled to other benefits available to the Colliery workers. This Sri Das Gupta was also promoted as Mason Supervisor by an Order dated February 8/9, 1978 in that Damoda (N) Colliery. It has thus been claimed that it would be obvious, both from the date of original appointment and the date of promotion, the said employee was perhaps senior to Shri Das Gupta, who was originally a contractor's labour and on regularisation, was taken on the roll, only after Nationalisation. It has further been alleged that apart from the above, the said employee was much more experienced and efficient than the said Sri Das Gupta. It has further been stated that on his regularisation, the said Sri Das Gupta was placed in Grade II at a basic pay of Rs. 330/- per month, while on consideration of the seniority and merit, on or about the same time i.e. February 8, 1978, the said employee was given the basic pay of Rs. 354/-, on clerical Grade III.

5. It was the allegation of the said Union that for reasons unexplained and unknown, the grade of Sri Das Gupta was changed to Technical Supervisor Grade III and his basic pay was fixed at 442 per month by an Order dated April 15, 1978, but in spite of constant representations by the said employee, for the Technical and Supervisory Grade 'C', he was given clerical Grade II and the basic pay was given at Rs. 508 with effect from July 11, 1979 and that too, to his detriment and serious prejudice. It was the

further case of the said Union, the basic pay as mentioned in the case of the said employee, as on different dates, will go to show, the main changes and real differences, or otherwise. The N.C.W.A. (National Coal Wage Agreement) 1, 2 and 3, admittedly govern the other items of service conditions. The said Union has said that for the purpose of appreciation of main fact with reference to the said Sri Das Gupta, particularly that he was in category I, drawing a basic pay of Rs. 10.60 p. per day and for other particulars, they have referred to Exhibit W-2, a letter of the Manager of Damoda Colliery, dated February 17, 1978, and further reference was also made to another letter of the Agent of Mahabir Colliery, dated July 11, 1979 (Annexure 'C' to the Written Statement), indicating the approval of the General Manager, to place the said employee in clerical Grade II, with immediate effect.

6. It was the case of the said Union that when all representations of the said employee, which were against such discriminatory treatment between two workmen as mentioned above, which again were under Eastern Coal Fields Limited and under the same General Manager, failed it was claimed that such attitude amounted to unfair labour practice, but such claim was not attended to duly and so, by a letter dated April 21, 1980, the matter was referred to the Assistant Labour Commissioner (C), Government of India, Raniganj. It has been indicated that the Agent of Mahabir Colliery (R), by a letter of October 30, 1981, to the Personnel Manager, Kunustoria, referred to various representations by the said employee and stated that although such type of staff in other Colliery was regularised as Mason Supervisor in Technical and Supervisory Grade 'C' and 'E', similar benefits may be examined and suitable action be taken, but even that letter produced to be futile and thereafter, by his letter of March 4, 1982, the Agent of Mahabir Colliery, on a reference to his earlier letter of October 30, 1981, wrote to the Personnel Manager, Kunustoria Colliery, suggesting a meeting on the issue, relating to the benefits to be given to said employee and by another letter of December 15, 1982, the General Secretary of the said Union informed the Director-in-Charge, East Division, Eastern Coal Fields Limited, as to how and what discrimination and injustice has been done in the case of the said employee. The said Union has said that all attempts, including conciliation proceedings were held, in dissolving the dispute, but such attempts have failed and as such, the reference under consideration, was made.

7. The said Union has prayed that the management's action, in denying technical and Supervisory Grade 'C' to the said employee, should be considered to be illegal, unjustified, discriminatory and an act of unfair labour practice and as such the said employee should be granted the relief of Technical and Supervisory Grade 'C' from April 1978, as was done in the case of the said Sri Das Gupta, with proper and higher fitments and other consequential benefits to which he would have been entitled to for all these years and it was also prayed that the prayed of the said employee, be also allowed with interest and costs.

8. The said Colliery, by their Written Statement dated October 13, 1988, indicated that the reference

as made, was bad in law and not maintainable, as there was no requirement or any obligation, whereby there was no requirement or any obligation, whereby Grade 'C' and the reference itself, would show that the entire issue has been prejudged and as such, the same is liable to be rejected, in view of the contentions as indicated in paragraph 2 of their Written Statement.

9. On facts, the said Colliery has said that it happens in underground Mines, some Mines need that masonry works have to be executed by way of isolation, stopping ventilation, stopping and stabilising works. They have stated that most of the non-cooking coal mines were previously owned by private owners, which were Nationalised with effect from May 1, 1973, under the Coal Mines (Nationalisation) Act 1973 and Mahabir Colliery was one of them. It has further been stated that during the period of the private owners of the Coal Mines, a large number of jobs, were to be executed by engaging contractors and their labours and the masonry works were also entrusted to such contractors and after Nationalisation of the Collieries, such underground masonry works were departmentalised and the contractors' system was abolished.

10. It was stated that following such Nationalisation and reorganisation as carried on by the Eastern Division of Coal Mines Authorities Limited, to which the ownership of the Nationalised Collieries were transferred and vested, the Mahabir Colliery, along with the adjoining Searsole Colliery and Sitaldasji units of purely Searsole Colliery, were constituted in a sub-area and after such departmentalisation, the underground masonry workers, masons and mason mazdoors were placed in charge of Munshis and according to the previous Awards, applicable to Coal Industries and recommendations of the Central Wage Board for Coal Industry, the Munshis were placed in monthly paid scales applicable to clerical Grade III and in the year 1977, the question of placing the Munshis in appropriate grade were considered in and around Searsole Sub-area and it was decided that along with 2 others, the said employee of Mahabir unit, was to be placed in clerical Grade III and subsequently, the case of the said employee was again considered and he was placed in clerical Grade II in July 1979. It has been stated that the volume of work, the degree of responsibility to be undertaken by mason Supervisor varies according to size of the Colliery, to which they are placed and so also the number of mason mazdoors and other workers placed under their control and supervision. The said employer has further stated that there is another work supervisor in Damodia (N) Colliery and he was placed under technical and supervisory Grade 'C', considering his duties and responsibilities and number of workers working under him, in addition to the length of his experience. It was stated that the said Sri Das Gupta had much longer and greater experience as mason Supervisor and also supervised more number of workers and accordingly, his duties and responsibilities were far more and as such, the management placed him in February 1978, in Grade 'C'. It was the case of the said Colliery that on the point of view of the qualifications, experience, technical skill, proficiency and effectiveness, there was no comparison between the said Sri

Das Gupta and the said employee and as such, the said employee cannot claim to be placed in technical and supervisory Grade 'C'. It was further been stated that he was earlier properly placed in the monthly Grade III and later, he was duly elevated to Grade II and as such, there was no question of he being placed in a still higher grade. It was the further case of the said Colliery that judging from any point or in any view of the matter, the said employee was not entitled to technical and supervisory Grade 'C' and so, they were justified in not placing him in such Grade. It has been stated in view of the facts and circumstances as disclosed, the said employee would not be entitled to any relief whatsoever or as claimed.

11. After indicating the above facts and merits and so also the preliminary point as indicated, the said Colliery has dealt with the statements as contained in the respective paragraphs in the Written Statement of the said Union and denied the validity or otherwise of them.

12. There was a rejoinder filed by the said Union on December 1, 1988, wherein they have denied the material allegations. It should also be noted that the said Colliery has on October 19, 1989, filed a corrigendum to the Written Statement, whereby they indicated that the statements in paragraph 14 of their written statement should be read as "Sri Badri Prasad cannot therefore be claimed to be placed in technical and supervisory Grade 'C'." He was earlier, properly placed in monthly Grade III and he was later elevated to the monthly Grade II. The amended facts have of course been indicated earlier.

13. Apart from tendering oral evidence, parties to the proceedings, produced documentary evidence and Mr. Murthi, appearing for the said Colliery, referred to the several National Coal Wage Agreements, the particulars whereof, would be indicated hereinafter.

14. On the basis of the evidence as tendered, there was in fact, no dispute about the relevant facts relating to the appointment and promotion of the said employee. MW-1 has agreed that the said employee and the said Sri Das Gupta were masons initially and he could not also produce the inter se seniority lists of them and further, he was not in a position to testify as to what consideration was made in respect of those employees, in the matter of their promotion and employment. He could not also produce any record to show about the duties and responsibilities or how many persons were working under them respectively. He has also indicated that from the documents as exhibited, it would appear that the said Sri Das Gupta had more employees under him there than that of the said employee. He was also not in a position to produce any record showing the experience and length of service of the said two employees and even though he testified the said Sri Das Gupta had under him larger number of workers than the said employee, yet he could not say about the respective experiences of the said two employees and the length of their services. He could not also say immediately, if the said Sri Das Gupta's experience was higher and greater than the said employee, but it was his evidence that at the relevant time, Damoda Colliery where the said Sri Das Gupta was working as mason supervisor, was the biggest Coal Field and

by work Grade 'C' as mentioned in paragraph 13 of the Written statement, it was meant, technical and supervisory Grade 'C' and it was his evidence that the posting of said Sri Das Gupta, attracted higher salaries than the said employee. But, he was candid enough to say also that there was no records to show about the qualifications, experience, technical skill and proficiencies of the two employees concerned, but said that the said Sri Das Gupta's effectiveness was higher than that of the said employee. He denied the suggestions that a man with large number of employees under him mismanages than a man, who has smaller number of employees under him and a man having larger number of persons under him, will not be much more effective than the one, who has lesser number. Such suggestions of Mr. Sengupta, even if taken to be due, cannot be considered or acted upon, as there was no legal evidence to support the same. He has also denied the suggestion that the number of employees under Sri Das Gupta were shown higher intentionally and only to prejudice the case of the said employee. It was his evidence that in the Wage Board Award, there was no scale of mason Supervisor and there was also no provision in the Bipartite agreement. He of course denied the suggestions of Mr. Sengupta as indicated above. Those suggestions were also not backed up by any legal evidence and as such, very difficult to be acted upon.

15. The evidence of MW-1, some material particulars whereof have been indicated above, was not strictly and categorically denied by any legal and cogent evidence.

16. Mr. Sengupta, appearing for the said employee, referred to the case of the said Union, the particulars whereof have been indicated earlier and so also the statements as contained in paragraph 11 of their rejoinder and claimed that the said Colliery has not in fact and in effect, denied those statements and really, they could not deny them. In support of such submissions, Mr. Sengupta referred to the statements as contained in paragraphs 13 and 14 of the written statement of the said Colliery. He further claimed that the said employee is claiming the same salary of Grade 'C' as that of the said Sri Das Gupta and not the same Grade Grade 'C', as he was already in clerical grade II on promotion and the said employee was also senior than the said Sri Das Gupta and according to him, the evidence of MW-1, would support the above fact and it was also true that even though the said employee was made Supervisor earlier than the said Sri Das Gupta, yet he was not paid the equal salary of the said Sri Das Gupta and as such, Sri Sen Gupta claimed that the said employee should be paid the same salary as that of the said Sri Das Gupta. It was his further claim and submission that the action as taken, was strewned with unfair labour practice and malefide intention. This was of course not duly established by any legal evidence and to establish such submissions, Sri Sen Gupta referred to the Fifth Schedule under the said Act, as framed under Section 2(na), whereunder, unfair labour practice means any of the practices as specified in the Fifth Schedule and it was Sri Sen Gupta's contention that as the said Sri Das Gupta was given unmerited promotion, with a view to create discord amongst other workmen, so the facts here will bring

the case under the said Section 2(ra), if Clause 4(e) of the said Fifth Schedule is taken into consideration, read along with Clause 9 of the same, which prohibits showing favouritism or partiality to one set of workers, regardless of merit. To bring the case under the purview of the above provisions, it was Mr. Sengupta's contention that the action of the said Colliery, would certainly come under the mischief as mentioned earlier, because the said employee was not only senior, but superior in merit than the said Sri Das Gupta. Unfortunately, the above statements do not get due support from the facts as disclosed or the evidence as available.

17. Mr. Murthi, appearing for the said Colliery stated, although the two Collieries were under the same establishment, but Damoda was much larger in area and bigger in extent of operation than Mahabir Colliery, where the said employee was employed. He wanted to establish the above statement and the fact that the said Sri Das Gupta was having greater responsibilities than that of the said employee, on the basis of the evidence as recorded earlier and thus claimed, the submissions of Sri Sengupta, on the Fifth Schedule and the Clauses as mentioned thereunder, would be of no avail or any assistance and effectiveness, more particularly when, MW-1 has to some extent indicated about the larger and higher responsibilities of the said Sri Das Gupta than that of the said employee. But, here also, the evidence was scanty and not very weighty and convincing. It was further submitted by him that not only on the basis of admissions of Sri Sengupta, but also on the basis of evidence of MW-1 and MW-2 and the categorical evidence of MW-1, it would appear that preference shown and given to said Sri Das Gupta, was not undue or without any basis and the question as evolved in this case, is not a question of promotion on the basis of Exhibit M-4. He also indicated about the higher degree or responsibilities of the said Sri Das Gupta and indicated further that the post of mason supervisor, do not appear in the Wage Board Agreement or in the National Colliery Agreement. He indicated that if the Wage Board Agreement is first taken into consideration, it would appear that there is no categorisation of mason supervisor and the National Coal Wage Agreement No. 1, which was effective since January 1, 1975 and has unequivocally mentioned in paragraph 7.3 that the existing benefits and facilities, not covered or altered by this agreement, shall continue neither to. He pointed out that the National Coal Wage Agreement II, has not also in paragraph 11.1.1, changed the above provisions of the first agreement and such position also continued to be effective. In the National Coal Wage Board Agreement-III, by paragraph 11.1.1 and the Fourth National Coal Wage Board Agreement, which is dated July 27, 1989 and was effective from January 1, 1987, the above position has not been changed, but has reiterated the same in paragraph 11.1. Thus, it was submitted by Mr. Murthi that since there was promotion of the said Sri Das Gupta, to the post of Mason Supervisor, which post was not an existing one, so there would be no question of making any interference on the basis of the provisions as indicated. He also referred to National Coal Wage Board Agreement-II and more particularly to paragraph

12.7.1, which deals with "Standardisation Committee", to dispel any doubts, discrepancies and difficulties, as may be arisen and further indicated that really the power of such Committee was to effect and review the position, if necessary, and indicated that there was admittedly, no case made out for review, as no dispute was ever raised regarding Mason Supervisors. It was his submission that in the instant case, since there was no discrimination, duly established in law, any interference by his Tribunal, would not be necessary and required.

18. Mr. Murthi further referred to the terms of reference and as indicated earlier and contended that the terms of the same itself, would show that appropriate Government, not only sought to review, but to prejudge the issue and that was not proper, when the action as taken, in the circumstances as indicated, was rational. That the said Sri Das Gupta had much more volume of work than the said employee, was stated by MW-1 and Mr. Murthi duly pointed out that there was really no cross-examination on that point and according to him, the dispute under consideration, was one of merit and not promotion and according to him, the action as taken, was not arbitrary or whimsical and intended with any bias or motive as alleged. It was his contention that the whole question, thus, would be that, if the said employee has suffered any prejudice and according to him, the answer to such issue, on the basis of evidence, both documentary and oral, should be in the negative.

19. That Damoda Colliery was a much bigger in area and larger in extent of operation than Mahabir Colliery, was not in dispute and it cannot be said that the said employee had larger or greater responsibilities than that of the said Sri Das Gupta, even on a simple consideration of such fact. It cannot also be found, on the basis of the evidence as available that, the case under consideration was not one of merit, but of promotion. If that be so, then the employee having greater responsibilities of controlling larger employees in a Colliery was admittedly having higher greater responsibilities than another Colliery, and more particularly when, initially, the two Collieries were not under Coal India Limited, but they were owned and operated by individual private employers then, I feel that the submissions of Mr. Sen Gupta that the said employee should be given the same amount as received by the said Sri Das Gupta in Grade 'C', would not be of much substance. In this case, on the basis of the evidence as available, as such, it cannot be found that there was any discrimination caused and for such discrimination, the said employee has suffered any loss or prejudice as claimed. The submissions of unfair labour practice, on the basis of the evidence as available, cannot be found out, to the extent as indicated or have been established on the several clauses of the Fifth Schedule, formulated under Section 2(ra) of the Industrial Disputes Act, 1947. The evidence of MW-1, which was not duly and appropriately denied, challenged and disputed, in my view, clinches the issue and as such, the answer to the reference cannot be in the affirmative and the same should be rejected. It should further be reiterated that Mr. Sengupta frankly stated that his client was not asking for promotion to grade 'C', but his claim was for the same pay as

that of Sri Das Gupta, but such prayer was not really and strictly covered by the Reference as made. The Tribunal, most certainly, should not and cannot ordinarily travel beyond the scope of the Reference. It is true that the entry point of service of the two employees here, were the same, but in different Collieries, which after Nationalisation, have been placed under the same authority, but Damoda Colliery, where the same Sri Das Gupta was, was a larger one, and consequently employees more than that of Mahabir Colliery, where the said employee was. There is no dispute also that Sri Das Gupta was duly placed in Grade 'C' in the Technical and Supervisory side, while the said employee was initially placed in Grade III and thereafter to Grade II on promotion to the clerical side, which he accepted and acted upon. The services of the employees being admittedly in two separate distinctive and well defined wings, sections and departments there was no unreasonable restriction, rather there was reasonable classification, which had a nexus and thus cannot be said to be undue, bad, illegal and unjustified or irregular.

This is my Award.

Dated, Calcutta,

The 14th September, 1992.

MANASH NATH ROY, Presiding Officer.

नई दिल्ली, 21 अक्टूबर, 1992

का.आ. 2882 :—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उपखण्ड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 1165 दिनांक 10 अप्रैल, 1992 द्वारा यूरैनियम उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 30 अप्रैल, 1992 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 30 अक्टूबर, 1992 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[का. सं. एस-11017/10/85 डी-1(ए)]

एस.एस. पराणर, अवसर सचिव

New Delhi, the 21st October, 1992

S.O. 2882.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Indus-

trial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India, in the Ministry of Labour, S.O. No 1165 dated the 10th April, 1992, the Uranium Industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 30th April, 1992 :

And whereas, the Central Government is of opinion that public interest required the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 30th October, 1992.

[No. S-11017/10/85-D.I(A)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 22 अक्टूबर, 1992

का.आ. 2883 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबन्धतन्त्र के सबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद, में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22 अक्टूबर, 1990 को प्राप्त हुआ था।

[संख्या : एल-32011/8/90-आईआर (मिसलेनियस)]

वी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 22nd October, 1992

S.O. 2883.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of the 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Calcutta Port Trust and their workmen, which was received by the Central Government on the 22-10-92.

[No. L-32011/8/90-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL AT CALCUTTA

Reference No. 28 of 1990

PARTIES :

Employers in relation to the management of  
Calcutta Port Trust, Calcutta

AND

Their workmen.

**PRESENT :**

Mr. Justice Manash Nath Roy, Presiding Officer

**APPEARANCE :**

On behalf of Management : Mr. G. Mukherjee, Personnel Officer.

On behalf of Workmen : Mr. S. Das, Secretary with  
Mr. S. B. Deb, Vice President of the Union.

STATE : West Bengal

INDUSTRY : Port

**AWARD**

The two employees concerned viz., Sarbhashree Keshab Chatterjee, Plumbing Khalasi and Dulal Chandra Ghosh, Masson (hereinafter referred to as the said employees), were follower/disciples of Thakur Sri Balak Bramchhari Maharaj, a religious preceptor and at all material times, they were employed in the Departments as mentioned, under the Calcutta Port Trust (hereinafter referred to as the CPT). The matter was referred for adjudication by Govt. Order of reference No. L-32011/8/90-IR (Misc) dated 14-11-1990.

2. By Ext. M-14, dated March 30, 1988, they along with others, informed the Chairman of the CPT that they, as disciples of the said Guru, have been constructing a Temporary Shed on the Eastern side of Block No. 50 within the old quarters area of Taratolla, under the indication dated February 22, 1988, of the Labour Officer, Taratolla and their activities were inaugurated by the local M.L.A., Sri Ram Payare Ram, on March 13, 1988. This construction was said to be raised for performing Religious rites, discourses and discussions by them, duly and it was also indicated that in that area of CPT, there are large number of devotees of the said Guru and it was prayed that the Chairman of the CPT, may move the Deputy Commissioner of Police (Port Division) at once and that too signifying that the CPT had no objection to such act or action in the matter of raising the construction, as the cause was a bonafide one. Admittedly, the concerned construction was raised or sought to be made on CPT's land, may be within the colony as mentioned.

3. No permission to the above was given by the CPT. There is also no doubt or any dispute that the terms of service and conditions of employment of the said employees were and are governed and controlled by the CPT Employees (Classification, Control and appeal) Regulation 1987 (hereinafter referred to as the said Regulation). There is also no dispute that at Taratolla, the said CPT has about 3608 quarters and the said employees are allottees of separate quarters in that area.

4. It was found or has been indicated that the construction as aforesaid, was started illegally from March 13, 1988 and in an unlawful manner or without any authority and the same continued till March 30, 1988, when the same had to be stopped with Police help. It was also the case of both the parties here that the construction, as made, has been demolished.

5. It has been alleged that while the said construction in the manner as indicated was continuing, the said employees along with the other signatories acted in a concerted manner and they and all of them, colluded and aided and abetted with each other and such action on the part of them, amongst others, amounted to misconduct, in as much as, while residing in the quarters of the CPT, they had no such authority to raise such unlawful construction, which was also of pucca character.

6. In view of the above the said employees were charge sheeted. Two separate charge sheets were issued to the respective employees and they were on the same terms and on the same allegations. Since the articles of charges and the allegations were the same, so I am not quoting from the charge sheet and the allegations in respect of them. The allegations, on the basis whereof the charges were levelled, were as under :

"That the said Shri Keshab Ch. Chatterjee,

Khalasie and others submitted a joint petition under their signatures to Chairman, Calcutta Port Trust on 30-3-88 which clearly reveals that he along with others in aid and abetment with one another started unlawful and unauthorised construction of a pucca structure on the eastern side of Block No. 50 within the quarters complex at the Old Taratala colony for the purpose of carrying out activities related to the propagation of the teachings of one Shri Balak Brahmachari and thereby violated Clause V of Rule 5 of the Rules governing the Commissioner's (now Trustees') Residential accommodation for Class IV employees. The said unauthorised construction was stopped by the Police authorities on 30-3-88 and finally the structure was demolished on 23-4-88 with the assistance of Police authorities."

and on such allegations, the following charge was framed :

"That the said Shri Keshab Ch. Chatterjee, Khalasie is charged with misconduct in as much as while residing in Quarters No. K/29/1 at old Taratala Colony, he along with others, occupied CPT land illegally in aid and abetment with one another and started unauthorised and unlawful construction of a pucca structure on the eastern side on Block No. 50 within the Quarters complex of the Old Taratala Colony with effect from 13-3-88 till it was stopped by the Police authorities on 30-3-88."

7. The said employees replied to the charge sheet, stating inter alia amongst others that they were signatories of Ext. M-14 for the allotment of a plot of land for the 'Mandir' and such signatures were obtained from them and they had really no connection with the concerned construction, which was claimed to be illegal and unauthorised, and there was no violation by them, of any of the Rules, governing the CPT's Residential Accommodation for Class IV staff, to which they belonged. The said employees also expressed their desire to be heard in person.

8. As mentioned earlier, the said employees or their terms of service and conditions of employment are



governed by the said Regulations and Regulation 7 of the same, indicates the nature of penalties and there, minor penalties have been indicated to be (i) Censure, (ii) With-holding of promotions, (iii) Recovering from pay of the whole or part of any pecuniary loss caused by him to the Board, by negligence or breach of orders and (iv) With-holding of increments of pay and 'Major penalties' have been indicated in Clauses (v) to (ix) with explanations, showing the actions which will not amount to such penalty, within the meaning of the said Regulation 7. Thus, the penalties as imposed in respect of the said employees, as will be indicated hereafter, would come within Regulation 7(iv). The Disciplinary Authorities, competent for imposing penalties, have been specified in Schedule "A", in terms of Regulation 7B and Regulation 7C indicates, the Authorities, who could institute proceedings. The terms "Disciplinary Authority" has been defined in Regulation 3(iii) and has also indicated that such Authority in relation to an employee, shall mean, the Authority prescribed as such, in the schedule as referred to earlier. The said Regulation in Regulation 3(iv) has also defined the term "Appellate Authority". In this case, the CPT has indicated that the 'Disciplinary Authority' in the case of the said employees, was the "Chief Engineer" and as such, the "Appellate Authority", was the Deputy Chairman. There was no denial to the above.

9. The Schedules under the said Regulations also lay down amongst others that, every employee shall, at all times, maintain absolute integrity and devotion to duty and shall not, except with the previous sanction of the Chairman, ask for or accept contributions to or otherwise associate himself with the raising of, any fund in pursuance of any object whatsoever.

10. The procedure for imposing major penalties, with the authorities have been indicated in Regulation 8 and the procedure for imposing minor penalties are indicated in Regulation 9. In this case, by Exts. M-1 or M-2, definite charges were framed, the said employees were duly informed about the charges and so also the allegations, which were the basis of such charges. They were also informed about the records, on the basis whereof, the charges against them, were sought to be sustained and were also informed about the witnesses, on which, reliance would be placed. The said employees, no doubt had filed replies to the Show Cause Notices by Ext. M-3 in the case of Keshab Chandra Chatterjee and Ext. M-4 in the case of Dulal Chandra Ghosh and thereafter, by Ext. M-5, the Enquiry Officer and Presenting Officer, were appointed by the Disciplinary Authority, and the Enquiry Officer, on consideration of available records and evidence, by his report, Ext. M-6, found the charges against the said employees, to be proved. Thereafter, by Exts. M-7 and M-8, the Chief Engineer, as the Disciplinary Authority, indicated the punishment to be imposed against the said employees, holding that the charges against them, were proved. Against such orders, the said employees by Exhibits M-9 and M-10, preferred separate Appeals to the Appellate Authority viz. the Deputy Chairman, who, ultimately rejected the appeals, which again were communicated to the said employees by the Chief Engineer on January 9, 1990, by the records in Exhibits M-11 and M-12.

11. In fact, there was no note regarding the facts as indicated and the procedure as followed, in inflicting the penalties. Mr. S. Das, appearing for the National Union of Waterfront Workmen (I), representing the said employees, submitted that the initiation of the proceedings, should be deemed to be bad, as they were initiated by the records in Exhibits M-1 and M-2, which were not admittedly dated. But, Mr. Das in his usual fairness agreed that the said employees, of course received them on or about November 9, 1988. It was also submitted by him that since Regulation 8(8) requires that the employee shall appear in person before the enquiring authority on such day and at such time, not exceeding 15 days from the date of receipt of the Articles of Charges and at the place, as the Enquiry Authority by notice in writing specify. Mr. Das, submitted that as the intimation of the proceedings were by undated documents, so the said employees, had much difficulty and there was in fact, no compliance with the Regulations as indicated and that vitiated the entire proceedings. The submissions as above, would not be of much value, even though the Exhibits as indicated were undated, as admittedly, the said employees received them on November 9, 1988 and the first date of the enquiry was fixed on November 30, 1988 i.e. long after 15 days as mentioned. This was also an admitted fact. Thus, from the date of receipt of the notices initiating proceedings and the first date of hearing, the said employees had more than 15 days time and so, I find that there was thus substantial compliance with Regulation 8(8). It should also be noted that nowhere, earlier than before this Tribunal, such point was ever canvassed or taken and the said employees duly participated in the proceedings, without any objection. The Exhibits as mentioned, will also show that there was due compliance with the said Regulations and the principles of natural justice. The above findings, do also get support from the submissions of Mr. Mukherjee of CPT, who further pointed out that the said employees, at the enquiry, had also the assistance of their defence helpers and they inspected the documents/records.

12. The enquiry reports have been produced in Ext. M-6 and on a reference to the same. Mr. Das intended to establish that the terms of the said Regulations or the requirements thereunder, have not been duly followed and as such, the entire proceeding was vitiated. On a consideration of the said Ext. M-6, in agreement with the submissions of Mr. Mukherjee, I find that all the terms as required under the said Regulations, in the matter of continuing with the enquiry on appointment of Enquiry Officer and so also, the necessary formalities as required in inflicting the penal order, including the following of the principles of natural justice, have been duly complied with and followed. Mr. Das indicated that the offences in this case were not so grave, for which, the deterrent punishments as imposed, were necessary, more particularly when, the said employees had no ill motive or intention and they were just the signatories the Ext. M-14, which too, they have signed, without knowing the contents and only, at the request of some other followers of the said Guru and the whole idea behind the action, was to get a place, where, they could chant mantras and the preachings and the name of their Guru. The idea behind the action, to ask for a land, cannot be said to be not bonafide, but the applicants for the said Ext. M-14, including the said employees,



cannot be said to have acted bonafide, in raising such a construction, as in this case, which had to be demolished with police help and assistance, when they had not received the necessary permission or leave from the CPI. That, there was great commotion and disturbance in the area, when the construction was sought to be pulled down, as stated by Mr. Mukherjee, was not disputed. In fact, MW-1 has also deposed on police firing and action, at that time. Mr. Das submitted that the said employees should not have been so severely dealt with and punished, since they were almost innocent. The use of the word "almost innocent", is very significant and that, to my mind, establishes the fact that, the said employees were also aware of the wrong committed by them, which again, may also be construed as their admission.

13. Mr. Das, then contended without any justification that, the orders in this case, were not passed by the appropriate authority. I have already indicated earlier that Mr. Das submitted that since the orders as received by the said employees were signed by the Chief Engineer, so, such orders in Appeal, were not passed by the appropriate authorities under the said Regulations, as the appropriate appellate authority was the Deputy Chairman. Mr. Mukherjee duly pointed out that, the orders in Exts. M-1 and M-2, were not orders passed by the Chief Engineer, but, he just communicated by those exhibits, the orders as passed by the Appellate Authority. I do not find any substance in the submissions of Mr. Das on this point. Mr. Das, lastly pointed out that the CPT should have, in the facts of the case, taken a lenient view and this Tribunal, should also take such view in the facts of this case and as such, if necessary, may direct an

order of "Censor" to be passed on the said employees. It was Mr. Mukherjee's submission, on a reference to the case of Tata Oil Mills Co. Ltd. Vs. Its workmen & Anr., 1963(2) LLJ 78 that this Tribunal should not interfere with the punishments as imposed, since the services of those employees were terminated, after duly following the requirements under the said Regulations and when, they have been duly proved to be guilty. It was also contended by him, on a reference to the case of Bihar State Road Transport Corpn. -Vs- State of Bihar & Ors 1970(21) FLR 11 that the Tribunal do not also possess the power to go behind the apparent language of the order in Exts. M-1 and M-2, for considering the real nature of the orders.

14. After considering the records and the materials as available on evidence and on consideration of the submissions, it is very difficult to hold that there has been any infraction of the said Regulations or violation of any principles of natural justice in this regard. The punishments as imposed are also imposable under the said Regulations.

15. In view of the above, the Reference cannot be answered in the affirmative and the same is thus, and should be rejected.

16. This is my Award. I, of course, keep it on record that this will not preclude the said CPT, to reconsider the case of the said employees, leniently, as prayed for, they are so advised or if they so intend.

MANASH NATH ROY, Presiding Officer

Dated, Calcutta,

The 29th September, 1992.

